



San Francisco Police Department
Internal Affairs Division Investigation

Case Number:

OIS #11-006

San Francisco Police Department



To: Lieutenant Robert Yick #1264
Commanding Officer
Internal Affairs Division

From: Sergeant Timothy Paine #763
Internal Affairs Division

Date: Monday, December 02, 2013

Subject: Officer-Involved Shooting #11-006

MEMBERS: Officer William Heppler #1726
Richmond Station - Plainclothes

APPROVED YES NO
pleaf
Lt. Robert Yick #1264 ☒ ☐
Captain Christopher Pedrini ☒ ☐
Risk Management Office ☒ ☐ 12/26/13

[Signature]
Deputy Chief Lyn Tornio
Chief of Staff

TYPE OF INVESTIGATION: Administrative: Officer-Involved Shooting

CASE NUMBER: MCD-OIS #11-006

DATE, TIME, AND PLACE OF OCCURRENCE: Monday, October 3, 2011
0724 Hours
██████████ Funston Avenue

INVESTIGATORS: Sergeant Michael Nevin #166
Sergeant Martha Juarez #1800

INCIDENT:

On Monday October 3, 2011 at 0719 hours numerous Richmond District units responded to ██████████ Funston Ave on a report of a stabbing. On arrival at the front of the residence officers contacted an injured and bloody ██████████ who stated ██████████ was cut by ██████████, ██████████ said ██████████ was still in the residence. Officers gathered on the stairwell with an ERIW shotgun and attempted entry into the residence. They immediately noticed an ██████████ and bloodied ██████████ unresponsive and face down in the hallway. Officer Troy Carrasco attempted an emergency evacuation and rescue of ██████████. During the rescue, ██████████ entered the hallway holding two knives. ██████████ raised the knives over ██████████ head and charged the assembled officers. Officer Kevin Ison discharged an ERIW beanbag round and Officer William Heppler discharged ██████████ pistol at ██████████.

FOCUS OF INVESTIGATION:

Did Officer William Heppler #1726 discharge his Department-issued firearm in accordance with Department policy and procedure?

IDENTIFIED/INVOLVED PARTIES:

Member: Officer William Heppler #1726
 Richmond Station Plainclothes Unit (3G35)
 [REDACTED]

Suspect: [REDACTED]
 [REDACTED]
 [REDACTED]
 Deceased

Witnesses: Officer Jason Hernandez #1608
 Richmond Station (3G1A)

 Officer Kevin Ison #176
 Richmond Station (3G28)

 Officer Troy Carrasco #1599
 Richmond Station (3G35)

 Officer Joe Filamor #213
 Richmond Station (3G4A)

 Sergeant Lawrence Gray #1304
 Richmond Station (3G104)

INVESTIGATIVE CHRONOLOGY:

Refer to Attachment A

INVESTIGATIVE FINDINGS:

Incident Overview

The following details were taken from dispatch recordings, the initial incident report, and interviews supplied by the officers to the Homicide Detail and Internal Affairs Division investigators.

On Monday, October 3, 2011 at 0716 hours, Dispatch began receiving phone calls regarding a stabbing at [REDACTED] Funston Avenue in the Richmond District. An "A" priority call for service was dispatched and numerous units began to respond. Neighbors called 9-1-1 to report that [REDACTED] a resident at [REDACTED] Funston Avenue, was bleeding from [REDACTED] hands. [REDACTED] was outside of [REDACTED] residence with the knife that was used in the assault against [REDACTED]. It was reported that [REDACTED] was the suspect in the assault and [REDACTED] was still inside the residence.

Officer Robert Wong #2005, 3G3A, was the first to arrive at the location, and he arrived at the same time as the medics. Officer Wong noticed that [REDACTED] was holding [REDACTED] right hand in a towel dripping with blood. Officer Wong also noticed that a knife was inside a planter box in front of [REDACTED] and [REDACTED] Funston Avenue. A large amount of blood was visible on the sidewalk. Officer Wong asked [REDACTED] if [REDACTED] had any mental issues and [REDACTED] answered in the affirmative.

While Officer Wong was receiving information other responding officers made arrangements to enter the premise to protect others still in the apartment. Officer Jason Hernenadez #1608, 3G1A, was first in line followed by Officer Kevin Ison #176, 3G28, armed with the Extended Range Impact Weapon (ERIW – less lethal shotgun), and then plainclothes officers Troy Carrasco #1599 and William Heppler #1726, 3G35. Bringing up the rear were Officer Joe Filamor #213, 3G4A, and Sergeant Lawrence Gray #1304, 3G104. The officers entered the residence repeatedly announcing themselves and demanding the suspect exit.

Officers entered the residence and went up an interior stairway which they noted had blood all over the entryway and the hand railing. Once the officers reached the top of the stairs Officers Hernandez and Ison turned right to clear and check the front rooms of the house. Officers Carrasco and Heppler held at the top of the stairs to offer cover protection down the hallway towards the back of the house. However, they immediately noticed the bloody body of a [REDACTED] laying face down in the hallway in front of them. Officers Carrasco and Heppler made repeated announcements for the suspect to come out and to their surprise they saw an [REDACTED] exit a room down the hallway and immediately cross and enter into another room. Officer Carrasco noted the victim in front of them was not moving but appeared to be gurgling. Officer Carrasco decided to attempt an emergency rescue of this second victim. He holstered his firearm and told Officer Heppler to cover him. While Officer Heppler maintained cover down the hall, Officer Carrasco tried to pull the [REDACTED] victim to [REDACTED] safety by [REDACTED] ankles.

By this time Officers Hernandez and Ison had cleared the front living room and made their way into another room that had a second entry back into the hallway where Officer Heppler and Carrasco were now positioned. Officer Heppler was yelling for the [REDACTED] to exit the room [REDACTED] entered when an [REDACTED] ([REDACTED] suddenly exited another room into the hallway holding a knife in [REDACTED] right hand with a glazed look in [REDACTED] eyes. Officer Heppler realized this was likely the stabbing suspect and feared for their safety, especially since he knew that Officer Carrasco had holstered his weapon to rescue this second victim. Officer Heppler began yelling to drop the knife but [REDACTED] advanced on [REDACTED]. Officer Carrasco heard Officer Heppler begin yelling “drop the knife” and when he looked up he saw [REDACTED] advancing on them with both hands raised at shoulder height with [REDACTED] hands balled into fists. Officer Carrasco let go of the second victim to draw his firearm while Officer Heppler began backing in the hallway away from [REDACTED] towards the front of the house.

From their position in the second room Officer Hernandez heard “drop the knife” yelling in the hallway. Officer Ison stepped in front of Officer Hernandez but Officer Hernandez could see a [REDACTED] rush towards Officer Heppler. Officer Ison also heard Officer Heppler screaming “show me your hands, drop the knife”. When Officer Ison looked in the hallway he saw Officer Heppler backing up while pointing his gun. Officer Ison saw [REDACTED] advancing on Officer Heppler holding a raised knife in [REDACTED] left hand. Officer Ison, fearing for Officer Heppler, fired one ERIW round towards the upper torso of [REDACTED]. At approximately the same moment Officer Heppler, fearing for [REDACTED] life and the lives of the other officers on scene fired at [REDACTED] immediately dropped face down.

Officer Filamor witnessed [REDACTED] advance on Officer Heppler with a crazed blank look in [REDACTED] eyes and was holding at least one knife in [REDACTED] hands. Officer Filamor said he would have fired but that Officer Heppler was in front of his position so he held. Officer Carrasco retrieved the unconscious victim in the hallway and carried [REDACTED] to waiting medics. The second victim was identified as [REDACTED] of [REDACTED] and [REDACTED] of [REDACTED]. Once Officer Heppler fired and [REDACTED] dropped, Officer Filamor and Officer Ison secured [REDACTED] and the two knives [REDACTED] was holding. They were then joined by Officer Karen Ferretti #1689, 3G5A, and the three officers cleared the residence, eventually taking custody of the last occupant who had barricaded [REDACTED] in a bedroom.

Paramedics who were already on scene to treat [REDACTED] were immediately on scene to treat the rescued [REDACTED] and the shot [REDACTED] was transported to SFGH with numerous stab wounds to [REDACTED] head, neck, and upper body. [REDACTED] died from [REDACTED] wounds at SFGH. [REDACTED] was transported to SFGH with stab and gunshot wounds where [REDACTED] was later pronounced deceased. The fourth occupant, the barricaded [REDACTED] was later identified as [REDACTED], sister to [REDACTED].

Dispatch Records

Certified copies of the Computer Aided Dispatch (CAD) records and the certified audio recordings were obtained from the Department of Emergency Management (DEM). The following noteworthy broadcasts provide a sequence of events and approximate timeframe for the incident.

- 07:19:12 DEM broadcast of "A" priority 219 (stabbing) at [REDACTED] Funston. "[REDACTED] is bleeding from the hand. Suspect is the [REDACTED]" Numerous Richmond units begin response. Dispatch further advises, "Language barrier. The [REDACTED], [REDACTED] still inside the house."
- 07:20:40 Dispatch further: [REDACTED] wearing pajamas; steak knife was used.
- 07:21:00 Dispatch further: [REDACTED] has the knife and [REDACTED] is outside.
- 07:21:20 3G3A (Officer Wong) is on scene with medics
- 07:21:40 3G3A advises Code 4; he is on scene with medics
- 07:22:00 3G1A (Officer Hernandez) is on scene
- 07:22:20 3G3A advises that [REDACTED] is inside and [REDACTED] may have another knife and he is going to make entry
- 07:22:40 3G1A advises that they are going to standby until E.R.I.W. is on scene. 3G28 (Officer Ison) advises that he is on scene with E.R.I.W.
- 07:23:20 3G1A asked for "Code 33" on A8
- 07:24:20 3G35 (Officer Carrasco and Officer Heppler): "Come out with your hands up. Got one on the ground now. Looks to be [REDACTED]-year-old [REDACTED]"
- 07:24:45 3G35 "Shots fired, one down!" Immediate request for medics. 3G104 (Sgt. Gray) asked for 2 medic units.
- 07:25:40 3G201 (Lt. Lee) advises that he is en route

*Time from "Code 33" to broadcast of "Shots fired" = 85 seconds

Suspect: [REDACTED]

Date of Birth: [REDACTED]

CDL: [REDACTED]

[REDACTED] has no San Francisco, California, or national arrest history. [REDACTED] commentary states that [REDACTED] had a [REDACTED] health history.

SF Medical Examiner's Report #2011-1002 states that [REDACTED] was admitted to [REDACTED] from [REDACTED] as [REDACTED]. During [REDACTED] stay [REDACTED] was assaultive and [REDACTED] relayed that [REDACTED] was aggressive and a serious threat to [REDACTED] members. Of concern were household knives that were available to [REDACTED] was listed as [REDACTED] and the treating staff was afraid that [REDACTED] was going to harm someone. The ME report from [REDACTED] records states that [REDACTED] had an [REDACTED] and the [REDACTED] treatment involved [REDACTED].

IAD Statements

Officer William Heppler

On November 1, 2011 at 1345 hours, Sergeant Martha Juarez #1800 and Kathryn Waaland #1361 conducted a recorded interview with Officer Heppler in the IAD interview room. Officer Heppler had provided a voluntary statement to Homicide inspectors on the day of the incident. On the date of his IAD interview, Officer Heppler was represented by POA Attorney Christopher Shea. Officer Heppler provided a compelled statement to IAD. Officer Heppler's statement to IAD was consistent with what he had previously supplied to homicide.

Officer Heppler responded to [REDACTED] Funston Ave on the report of a stabbing. He was working as a plainclothes unit with his partner, Officer Troy Carrasco. They responded to [REDACTED] Funston Ave along with other Richmond Station units on the report of a stabbing. On their arrival they saw marked units on scene along with SFFD paramedics treating an [REDACTED] victim. Officer Heppler said they met in the front entry of the building which had a stairway leading up to the flat of the involved residence. Officer Heppler said there was a brief delay until they felt there were enough on-scene units to make entry to search for more victims and the suspect. The officers briefly discussed the strategy. Officer Heppler said he saw a lot blood in the entryway and more all along the railing leading up to the flat. He remembered thinking "this is bad". The responding officers formed [REDACTED] that included Officer Hernandez in front, followed by Officer Ison who was deployed with a less-lethal shotgun (ERIW). Officer Carrasco was behind Officer Ison followed by Officer Heppler, Sergeant Gray, and one or two other officers that Officer Heppler could not remember.

The officers moved upstairs announcing their presence as they entered. [REDACTED]

[REDACTED] Officer Heppler had his firearm out and directed left down the hallway to offer cover towards the back of the house. Officers Heppler and Carrasco immediately noticed a bloody and unresponsive elderly [REDACTED] laying face down in the hallway. Officer Carrasco told Officer Heppler to cover him as Officer Carrasco was going to holster his weapon and attempt a rescue of this victim. At this time Officer Heppler noticed a [REDACTED] exit from a door down the hallway and disappear into another room or door across the hall. He said he was shocked at this sight and thought that maybe this [REDACTED] was the suspect. Officer Carrasco attempted to pull the second victim from the hallway to the stairs when Officer Heppler was suddenly confronted by an [REDACTED] who exited a door from the left side of the hallway. Officer Heppler said the [REDACTED] was maybe 5 to 7 feet away and "real close". Officer Heppler said he was startled and noted that the [REDACTED] was holding a red-handled knife in [REDACTED] right hand. Officer Heppler jumped back and began yelling "drop the knife". The suspect then raised both hands as fists above [REDACTED] shoulder and began to advance on Officer Heppler. Officer Heppler described the suspect as "having dead eyes" and "vacant eyes". He said that the suspect had a look as if Officer Heppler's commands were not registering. Officer Heppler said he was afraid and feared for his life. He remembered thinking "don't make me do this" because he did not want to have to shoot anybody. The suspect advanced on Officer Heppler as he back pedaled. Officer Heppler said he felt like he had no other choice so he fired his weapon and the suspect immediately dropped face down. Officer Heppler said he then remembers Sergeant Gray telling him to holster his weapon and breathe before Officer Carrasco escorted him out of the premise.

Crime Scene Investigations

Crime Scene Investigations responded to the scene. Officer Pubill #1284, Officer Gomes #911, Officer Cole #1229, and CPSA Zuercher-Valdespino #4698 processed and collected evidence. Among the items collected and processed were a bloody knife from the planter box at the exterior of the residence, two knives together from the interior hallway, the casing from a discharged ERIW beanbag round, and a single .40 shell casing. CSI also collected numerous business cards from the [REDACTED], [REDACTED] listing various appointment dates. Officer Heppler's Department issued Sig Sauer P229, .40 pistol was retrieved and examined. The pistol was found to be loaded and chambered with one round and an additional ten rounds in the magazine.

Homicide investigators led by Sergeant Warnke #1397 and Braconi #2246 arrived on scene and took control of the criminal investigation.

Sergeant Nevin #166 and Sergeant Waaland #1361 from the Internal Affairs Division/Officer-Involved Shooting team also responded to the scene.

Medical Examiner's Report

This investigation consists of two medical examiner's reports. Case #2011-1001 details the death of [REDACTED] of Suspect [REDACTED] cause of death was listed as a homicide as a result of more than thirty (30+) stab wounds to the head, neck, upper torso, and upper extremities. [REDACTED] also suffered additional blunt force injuries and trauma.

Medical Examiner report #2011-1002 details the death of [REDACTED] cause of death was listed as a homicide as a result of two gunshot wounds to the torso, five (5) stab wounds to the torso, and included multiple incised wounds to [REDACTED] left hand and arm. As stated above, the report also includes notes on [REDACTED] health history listing a diagnosis of [REDACTED].

Investigation by Homicide Detail

Upon notification of the Officer Involved Shooting, the Homicide Detail of the San Francisco Police Department initiated a criminal investigation into the incident. The investigation was led by Sergeant Scott Warnke. Sergeant Warnke's investigative summary report was obtained and reviewed as part of this administrative investigation.

Sergeant Warnke and Sergeant Braconi conducted a voluntary interview with Officer Heppler who was assisted by POA Attorney Chris Shea. Homicide investigators also interviewed all other witness officers which are the basis for the incident summary above. It should be noted that there were no inconsistent accounts of the incident from either testimony or forensic evidence. Of note from the interviews are the officers' accounts of [REDACTED] holding a knife. Officer Heppler saw [REDACTED] holding a knife raised in [REDACTED] right hand. Officer Ison, who was positioned at [REDACTED]

left side, saw [REDACTED] holding a knife raised in his [REDACTED] hand. Officer Filamor told Homicide investigators that he saw at least one knife in [REDACTED] hands while Officer Carrasco observed [REDACTED] fists elevated to about shoulder height. Two knives were recovered together at the location where [REDACTED] fell which would indicate that despite each officer having a different perspective, [REDACTED] was actually holding a knife raised in each hand when [REDACTED] was shot.

In addition to interviewing neighbors, Homicide investigators spoke with Doctor [REDACTED] who told them that [REDACTED] was diagnosed as [REDACTED] approximately [REDACTED] and was currently being treated at the [REDACTED] Health Clinic.

[REDACTED] told investigators that on the night of the incident [REDACTED] heard [REDACTED] talking nonsense at approximately 2am. [REDACTED] told [REDACTED] to go back to sleep before going back to sleep [REDACTED]. At approximately 7am [REDACTED] came out of the bathroom and found [REDACTED] holding a knife in [REDACTED] hand. [REDACTED] struggled with [REDACTED] to take the knife from [REDACTED] and was stabbed/cut in the process. After taking the knife away [REDACTED] fled downstairs to get help.

Ballistics examination tests were conducted on the one .40 shell casing recovered from the scene as well as the one bullet recovered by the Medical Examiner from [REDACTED] body. Both were shown to have been fired from Officer Heppler's pistol.

Findings of the Office of the District Attorney

The Office of the District Attorney initiated an investigation of this incident on October 3, 2011. The investigative findings of the Homicide Detail were reviewed by the Office of the District Attorney, as well as the findings of their own investigation, for consideration of any possible criminal charges.

On August 20, 2013, District Attorney George Gascon issued a letter summarizing the findings of his investigative review of the criminal investigation and relevant law. His summary letter concludes as follows:

The facts in the present case indicate Officer Heppler fired his weapon at [REDACTED] from a distance of about 5 to 7 feet as [REDACTED] ignored Officer Heppler's commands to "Drop the knife" and continued to move directly towards Officer Heppler with two knives held outward. Officer Heppler was aware at the time that Officer Carrasco was approximately two feet to his left, trying to move [REDACTED] down the stairs. He also knew that [REDACTED] said [REDACTED] attacked [REDACTED] with a knife, and he had reason to believe that [REDACTED] was responsible for [REDACTED] grave injuries.

It was reasonable for Officer Heppler to fire at [REDACTED] to protect himself, the other officers and [REDACTED]. It is our conclusion that Officer Heppler acted lawfully.

CONCLUSION:

Did Officer William Heppler discharge his Department issued Firearm in accordance with Department policy and procedure?

The following statute and Department General Order provisions should be considered in the evaluation of this investigation.

Penal Code Section 835a

Any peace officer who has reasonable cause to believe that a person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

General Order 5.01, Use of Force

D. Categories of Force to Employ (In ascending order of gravity)

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:

- a. Verbal Persuasion
- b. Physical Control
- c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
- d. Carotid Restraint
- e. Department Issued Baton
- f. Firearm

2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

F. Circumstances Justifying the Use of Force

1. Officers may use force in the performance of their duties in the following circumstances:
 - a. To prevent the commission of a public offense.
 - b. To prevent a person from injuring himself/herself
 - c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.

- d. In self defense or in the defense of another person.

General Order 5.02, Use of Firearms (dated 3/16/11)

C. Discharge of Firearms

1. PERMISSIBLE CIRCUMSTANCES. Except as limited by Sections C.4 and C.5, an officer may discharge a firearm in any of the following circumstances:

- a. In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.
- b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger to him or herself, and there is no reasonable cause to believe that the person poses an imminent danger of death or serious bodily injury to the officer or any other person.
- c. To apprehend a person when both of the following circumstances exist:
 - (1) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of force; AND
 - (2) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.
- d. To kill a dangerous animal. To kill an animal that is so badly injured that humanity requires its removal from further suffering where other alternatives are impractical and the owner, if present, gives permission.
- e. To signal for help for an urgent purpose when no other reasonable means can be used.

2. VERBAL WARNING. If feasible, and if doing so would not increase the danger to the officer or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm.

The findings of this investigation establish a preponderance of evidence that Officer William Heppler discharged his weapon in accordance within the guidelines of Department General Orders 5.01 and 5.02.

Richmond Station officers were dispatched to an 'A' priority stabbing. Upon their arrival they located an elderly [REDACTED] bleeding profusely from the hands, who stated that [REDACTED] was stabbed by [REDACTED] who was still in the residence. Several officers and a sergeant initiated a tactical

response to enter the residence to render aid to other possible victims. As part of this entry they included Officer Kevin Ison who was armed with a less lethal ERIW. Officer Ison and Officer Jason Hernandez moved to clear the front of the residence while Officer Heppler and Officer Troy Carrasco provided cover down the hallway towards the rear of the residence.

These two officers noted a gravely wounded elderly [REDACTED] bleeding in the hallway. At great risk to themselves Officer Carrasco holstered his weapon in an attempt to rescue this second victim. At this time [REDACTED] exited a room into the hallway just feet from Officer Carrasco and Officer Heppler. Officer Heppler backed away from [REDACTED] issuing commands to drop the knives that [REDACTED] was holding raised and advancing.

Officer Ison, in an adjacent room, heard Officer Heppler's commands and saw the advancing [REDACTED]. Officer Ison fearing that [REDACTED] was going to stab his fellow officers fired one ERIW beanbag round at [REDACTED]

Officer Heppler noted that [REDACTED] had a glazed look in [REDACTED] eyes and received no compliance to [REDACTED] orders. Officer Heppler had no more room to retreat and fearing an imminent attack on himself or his partner fired two rounds from his Department issued firearm at [REDACTED] fell immediately.

Officer Heppler stated that he fired his weapon because he was in fear for his life. He said he was afraid and startled at [REDACTED] advance. Officer Heppler said he did not want to shoot anybody and that he would have been happy if [REDACTED] had dropped [REDACTED] knives. Officer Heppler also feared for the safety of Officer Carrasco who was unarmed as he tried to rescue [REDACTED]

Based on the preponderance of evidence Officer William Heppler #1726 fired his weapon in compliance with conditions set forth in Department General Order 5.01, *Use of Force*, Subsections I.F.1.c and I.F.1.d and in Department General Order 5.02, *Use of Firearms*, Subsections I.C.1.a, I.C.1.b, and I.C.1.c.

Based on the above findings it is recommended that Officer William Heppler's discharge of his Department issued firearm on October 3, 2011 be deemed **In Policy** and **Proper Conduct**.

Recommendation:

It is recommended that this case be forwarded to the Firearms Discharge Review Board per Department General Order 8.11.

Prepared By:

[Redacted Signature]

Sergeant Timothy Paine #763

12/3/13
Date

Approved By:

[Redacted Signature]

Lieutenant Robert Yick #1264

12/24/13
Date

Internal Affairs Division
CHRONOLOGICAL RECORD OF INVESTIGATION

AD CASE # OIS 11-006		DATE OF INCIDENT 10/03/11	DATE DEPARTMENT NOTIFIED (3304) same
DATE IAD ASSIGNED same		DETAIL I.A.D.	SERGEANT ASSIGNED Sergeant Michael Nevin #166
DATE	TIME	ACTIVITY	
10/03/11	0800	Received call from Insp. Tomioka regarding an OIS in the Richmond District	
	0830	Spoke to Lt. Yick and began response from home on H day	
	0930	Arrived at scene and met with Lt. Yick, Insp. Tomioka, and Sgt. Waaland. Did walkthru with Lt. Sainez (Homicide) and Ofc. Cole (CSI). 3G35 Officer Carrasco #1599 and Officer Heppler#1726 working together. Heppler was the single shooter. Officer Ison #176, working alone as 3G28, used ERIW. Numerous Richmond Station officers (and sergeant) involved in the incident. Learned that both suspect and [REDACTED] victim 802 at SFGH	
	1155	Sent DEM recording request via fax	
	1200	Responded to Homicide Detail regarding involved officer interviews. The following officers were interviewed: Sgt. Gray, Officers Heppler, Carrasco, Ison, Wong, Filamor, Hernandez, and Ferretti Sgt Gray hired [REDACTED] Officer Heppler hired [REDACTED] Officer Carrasco hired [REDACTED] Officer Ison hired [REDACTED] Officer Hernandez hired [REDACTED] Officer Filamor hired [REDACTED]	
10/04/11	1300	Spoke to Ofc. Heppler [REDACTED] regarding Force Options and Range. Will schedule administrative interview at later date.	
10/05/11	0830	Reviewed DEM recording of both 911 calls and officer/dispatch communications to create timeline.	
	0945	Spoke to Warnke at Homicide ([REDACTED]). Medical Examiner report to be done by early next week. CSI preliminary report to be done by Officer Gomes. Per Warnke, QALL revealed no records on suspect.	
	1015	Ordered photos	
	1100	Met with Lt. McFadden and Officer Gomes (CSI). Officer Heppler's firearm had 11 total rounds in the gun = 2 shots fired (if topped off)	
	1220	Received message from Sgt. Warnke who contacted POA Attorney Shea to inquire if Officer Heppler was topped off since one casing has not yet been located at scene. Medical Examiner report not expected due till 10/11	
	1300	Sgt. Warnke called and told me that Ofc. Heppler did "top off" his firearm	

Internal Affairs Division
CHRONOLOGICAL RECORD OF INVESTIGATION

IAD-OIS 11-006		DATE OF INCIDENT October 3, 2011	DATE DEPARTMENT NOTIFIED October 3, 2011
3304 DATE		DETAIL	SERGEANT ASSIGNED Sgt. Martha Juarez
DATE	TIME	ACTIVITY	
10/3/2011 - 10/24	0800	Notified of this case via phone by Sgt. Waaland. Currently c [REDACTED]	
10/24	0600	Rec'd case file from Sgt. Nevin. OIS 11-006 occurred on 10/3/2011. I was informed regarding this case on the above date but was [REDACTED]	
		Conducted full records check/ CII/NCIC/QALL on subject. Case file placed in order	
	1300	Called Officer Heppler to make arrangements for IA interview/ He's currently [REDACTED] He will notify Attorney Chris Shea	
	1430	Rec'd call from Chris Shea/ IA interview set for 11/1/11 @ 1330hrs	
	1502	Informed Officer Heppler of my work and cell contact nos and work hrs. Informed him of interview also.	
10/25	0800	Rec'd all files related to this case from Sgt. Nevin and Tomioka	
	1000	97 at CSI- was given draft copy of CSI report 97 at Photo lab and requested Medical Examiners photos 97 at Homicide and met w/Sgt. Warnke (3 [REDACTED] to get f/u information on case/ [REDACTED] sustained 34 cuts /fatal blow to head/ Susp had 6 -7 stab wounds to self on chest and wrist, appears to be self inflicted/ [REDACTED] was in 418 [REDACTED] and stab wounds to [REDACTED] left hand. 2 nd shell casing never located// Warnke requesting transcripts to the Heppler interview//	
10/27	1500	Per request of Chris Shea, 2 copies (1 to Heppler 1 to Shea) of the homicide interview sent to Co. G and Shea's office	
11/1	1330	Officer Heppler arrived at IAD w/Chris Shea for IA interview.	
11/2	0900	Retrieved ME's photos of both vic [REDACTED] and susp [REDACTED]	
	1000	Dropped off interview to Star reporting	
2/28		Turned case over to Sgt. Simon Kim//	

MANAGEMENT CONTROL DIVISION CASE

Case No.

OIS 11-006

(2) Day, Date, Time Received Monday, October 03, 2011, 08:00 hrs.		(3) How Received <input type="checkbox"/> PERSON <input type="checkbox"/> LETTER <input type="checkbox"/> PHONE <input checked="" type="checkbox"/> SFPD	
(4) Complainant (Primary) Last Name First SFPD		(5) Complainant's Address City Zip	
(6) Complainant's Home Phone/Business Phone (including area code)		(7) CDL #, D.O.B., SS#	
(8) Complainant's (Secondary)		(9) Complainant's Address City Zip	
(10) Complainant's Home Phone/Business Phone		(11) California Driver's License/Identification Card No.	
(12) Place of Occurrence █████ Funston Avenue	District of Occurrence Richmond	(13) Day, Date, Time of Occurrence Monday, October 03, 2011, 07:25 hrs.	(14) In Uniform? <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK.
(15) Type of Misconduct <input checked="" type="checkbox"/> ADMIN. INVESTIGATION <input type="checkbox"/> UNNECESSARY FORCE <input type="checkbox"/> UNWARRANTED ACTIONS <input type="checkbox"/> CONDUCT UNBECOMING AN OFFICER <input type="checkbox"/> NEGLECT OF DUTY		(16) Activity Being Performed <input type="checkbox"/> Failure to Appear <input checked="" type="checkbox"/> ARREST <input type="checkbox"/> BOOKING <input type="checkbox"/> CITATION WRITING <input type="checkbox"/> CUSTODY <input checked="" type="checkbox"/> INVESTIGATION <input type="checkbox"/> OFF-DUTY <input type="checkbox"/> PATROL <input type="checkbox"/> REPORTS <input type="checkbox"/> TELEPHONE <input type="checkbox"/> TRAFFIC DIRECTION <input type="checkbox"/> SECONDARY EMPLOYMENT	
(17) Day, Date Assigned	(18) Investigation Assigned To	(19) Allegation Against <input type="checkbox"/> PERSONNEL <input type="checkbox"/> PROCEDURE <input type="checkbox"/> POLICY	

Civil Svc. Class.	Person (s) and ID or Star Number (s) Involved	Assignment/Unit Involved
Q-2	Officer William Heppler #1726	Richmond Station

Remarks:
Incident # 110796498

Referred by: **Lt. Robert Yick #1264** *[Signature]*

(20) NARRATIVE OF INCIDENT

On Monday, October 3, 2011 at approximately 07:25 hours, Officer William Heppler #1726 and his partner Officer Troy Carrasco #1599 were working as 3G35 (plain clothes) when they responded with numerous Richmond units to 6[REDACTED] Funston Avenue regarding a stabbing. Two victims were located and one died from [REDACTED] wounds. Officer Kevin Ison #176 responded and was equipped with ERIW. Several officers, who were accompanied by Sgt. Gray #1304, entered the premise and were confronted by a [REDACTED] suspect armed with knives. Officer Ison fired the ERIW and Officer Heppler fired his Department-issued firearm. The suspect died. Per Department policy, an administrative investigation will be conducted.

(21) COMPLAINT TAKEN BY

Sgt. Michael Nevin #166 *mn*

BUR/DIV/DETAIL

IAD-015

DATE/HOUR

10/6/11 0700



San Francisco Police Department

Employee Multiple Card Report - MCD and MCDO only

Personnel Profile:

Employee Name: Heppler, William J

Star #: 1726

Sex: M

Case No	Case Type	Incident Date	Status	Allegation	Finding	Action	Suspension Days	Employee Involvement
OIS-2011-0006	Officer Involved Shooting	10/3/11	Closed	Administrative Investigation	In Policy			Employee

Tiburon/CAD

EVENT HISTORY DETAIL:

S112760548

10-04-11

SAN FRANCISCO POLICE

08:47

S112760548 A 219 [REDACTED] FUNSTON AV, SF (D=3G BALBOA ST & CABRILLO ST) G3

07:18:58 DP07 ENTRY RP:NABOR/[REDACTED]\AD:WPH2-[REDACTED] FUNSTON AV , SF #WPH2-CONF
167 FT, 063 %-SPRINT NEXTEL-CDMA 8\PH:[REDACTED]
ORIGIN:E911\TX:NABOR [REDACTED].. HOLDING [REDACTED] HANDS..
BLEEDING FROM THE HAND.... SUSP IS IS THE [REDACTED].

07:18:58 DP07 ZIPCODE 94118
07:18:58 DP07 PRIOR 912 08/09/11 S1864
07:18:58 DP07 TIEDINC FS112760077 TYPE:27D3S \PS112760548 TYPE:219
07:19:24 DP17 MISC BCD A11
07:19:28 DP09 BRDCAST 112760548 A 219 [REDACTED] FUNSTON AV, SF 10-8: 3G00 3G1A 3G2A
3G3A 3G4A 3G5A 3G35 3G90
07:19:42 DP09 DISP-ENR 3G35:P 3G3A:P 3G5A:P 3G4A:P
07:19:42 DP09 PERS-ID 3G35 [REDACTED]>HEPPLER WILLIAM J/1726 <[REDACTED]>CARRASCO
TROY M/1599
07:19:42 DP09 PERS-ID 3G3A <[REDACTED]>WONG ROBERT M/2005
07:19:42 DP09 PERS-ID 3G5A <[REDACTED]>FERRETTI KAREN/1689 <[REDACTED]>CASTRO
ROSEMARY/1111
07:19:42 DP09 PERS-ID 3G4A [REDACTED]>FILAMOR JOSEPH R/0213
07:19:47 DP07 SUPP TX:LANG BARRIER... [REDACTED]/// [REDACTED] MALE...
[REDACTED]... STILL INSIDE THE HOUSE...

07:20:13 DP13 BACK-ENR 3G3A 3G2A:P 3G28:P
07:20:13 DP13 PERS-ID 3G2A <[REDACTED]>OPHIR RON/1772
07:20:13 DP13 PERS-ID 3G28 <[REDACTED]>ISON KEVIN F/0176
07:20:19 K220 BACK-ENR 3G3A 3G1A:P
07:20:19 K220 PERS-ID 3G1A [REDACTED]>HERNANDEZ JASON I/1608
07:20:24 DP07 SUPP TX:[REDACTED] WEARING PIJAMAS... STEAK KNIFE WAS USED.
07:21:01 DP07 SUPP TX:[REDACTED] HAS KNIFE... [REDACTED] IS [REDACTED] R OLD.. OUTSIDE...
W/ OTHER NAMES.
07:21:30 DP32 SUPP (MTF) RP:[REDACTED]\TX:PROQA RECOMMENDS DISPATCH
AT THIS TIME

07:21:47 DP13 CODE-4 3G3A
07:22:02 DP13 MISC 3G3A, MEDIC IS 97
07:22:14 DP13 ONSCENE 3G1A
07:22:24 DP32 SUPP (MTF) TX:I [REDACTED] BARRIER....RP STATES [REDACTED] NABOR IS
STABBED IN THE HAND, POSS BY [REDACTED]...ROLLING PD NOW
07:23:02 DP13 MISC 3G3A, [REDACTED] GOT CUT... [REDACTED] IS SUSP...3G28 HAS ERIW
07:23:05 DP32 SUPP TX:MED RUN 76
07:23:42 DP13 MISC 3G1A, C33 A8 ONLY
07:23:45 DP09 ONSCENE 3G2A
07:23:51 DP32 SUPP TX:PD RUN 548+
07:23:56 K186 ONSCENE 3G5A
07:24:48 DP13 MISC 3G35, HAS ONE ON THE GROUND, POSS AN [REDACTED] O,
07:25:21 DP13 MISC 3G35, SHOTS FIRED ONE DOWN, PD FINE, NEED 2 MORE 408'S
07:25:39 DP13 MISC 3G3A, HAVE 219 VICT, THE [REDACTED]
07:25:41 DP09 MISC 3G3A, ANOTHER 219 VICT --- THE [REDACTED]
07:25:49 SU03 MISC SUP COE, DOC NTFY'D
07:26:02 DP13 BACK-ENR 3G3A 3G201:S
07:26:02 DP13 PERS-ID 3G201 [REDACTED]>LEE FRANK E/1179
07:26:02 DP09 PREEMPT 3G201
07:26:42 DP10 MISC 3G35, 1 217 VICT, 1 219 VICT, 217 [REDACTED], 219 [REDACTED],
UNRESPONSIVE // NEED 2ND 100 UNIT, POA REP
07:26:42 DP13 MISC 3G35, 1 217 VICT, 1 219 VICT IS [REDACTED] YO, UNRESPONSIVE,
NEED A SECOND 100 UNIT AND A POA REP
07:26:48 DP09 MISC 3G35, 1 217 VICT IN HOUSE [REDACTED] ... 1 219 VICT [REDACTED]
UNRESPONSIVE WHEN WE PULLED UP ...
07:26:55 DP09 MISC 3G35, WILL NEED A POA REP
07:27:06 DP13 SUPP TX:NEED 2 MORE AMBULANCES
07:27:20 DP09 MISC PER 3H107, ANY CERT INGLESIDE CAN RESPOND
07:27:26 DP10 MISC SUPV DOUGHTERY / COE ADVD
07:27:48 DP09 MISC 3G35, STAYING AT FUNSTON/BALBOA FOR A BIT
07:29:45 SU04 MISC FAGEN IN OPS NOTIFIED
07:31:32 DP09 BACK-ENR 3G3A 3G104:S 3G201:S
07:31:32 DP09 PERS-ID 3G104 <[REDACTED]>GRAY JR LAWRENCE A/1304
07:31:32 DP09 PERS-ID 3G201 [REDACTED]>LEE FRANK E/1179
07:31:34 DP13 ONSCENE 3G201

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07:31:43 DP09 MISC 3G104, 3G1A WILL START A LOG
07:33:41 DP09 MISC 3G1A, 3G2A WILL BE RIDING W/THE 408 W/THE SUSP
07:33:44 DP13 MISC 3G1A, 3G2A RIDING WITH SUSPECT IN 408
07:34:58 SU04 MISC MGR SILAS NOTIFIED
07:37:01 SU04 MISC NOTIFICATION PAGE SENT
07:37:10 DP13 CODE-4 3G1A, THE C33 A8
07:37:42 DP13 BACK-ENR 3G1A 3X500:UN
07:39:43 DP13 BACK-ENR 3G1A 1X100:UN
07:43:13 DP13 REQCC 3G3A 110796498 assigned
07:44:02 DP13 MISC 3G35, AT THE COMPANY WITH RADIOS OFF...CAN BE REACHED BY
LANDLINE
07:45:18 DP13 CHGLOC 3G2A SFG,SF
07:45:43 DP13 MISC 3G2A, FIND OUT IF INITIAL 219 VICT WENT TO SFG ALSO
07:49:14 DP13 BACK-ENR 3G1A 5H17:UN
07:52:52 DP13 ONSCENE 1X100, THIS IS ACTUALLY 1X400...CAD WON'T ACCEPT 1X400
07:53:04 DP02 SUPP RP:SGT CRENSHAW/SFG\PH:[REDACTED] TX:408 CREW TRANSPORTED A
217/219 SUSP,,,CURRENTLY IN TRAUMA 1 -- WAITING FOR
POLICE TO SHOW UP
07:54:33 DP13 CLOC-ONS 3G35 CO G
07:55:56 DP13 BACK-ENR 3G1A 5H9:UN
07:56:04 DP13 ONSCENE 3G2A
08:07:05 K220 MISC 3G1A, SFPDMDCCMDLINE MASK: QUERY 1: LEWI\NAME\A\A
[REDACTED] YIN\ [REDACTED] SEX: [REDACTED] QUERY 2: *QN/NAME: [REDACTED]
[REDACTED] SEX: [REDACTED] QUERY 3: IMQM.CA0380100. [REDACTED]
YIN.M.DOB/[REDACTED] QUERY 4: IRQVC.CA0380100.NAM/[REDACTED]
YIN.SEX/[REDACTED].DOB [REDACTED].APP/YQUERY 5: INL1 [REDACTED]
YINB [REDACTED]
08:08:43 DP13 BACK-ONS 5H9 5X300:UN
08:13:13 K220 MISC 3G1A, SFPDMDCCMDLINE MASK: QUERY 1: LEWI\NAME\A\A
[REDACTED]\45\SEX@ [REDACTED] QUERY 2: *QN/NAME: [REDACTED] SEX [REDACTED] QUERY
3: IMQM.CA0380100. [REDACTED] M.AGE [REDACTED] QUERY 4
IRQVC.CA0380100.NAM/[REDACTED].SEX/[REDACTED].AGE/[REDACTED].APP/YQUERY 5:
INL1 [REDACTED]
08:16:09 DP13 ONSCENE 5H9
08:18:11 DP13 MISC MEDIA 97
08:26:15 DP13 MISC 3G104, NEED ADDITIONAL UNIT TO RESPOND
08:26:21 DP13 BACK-ENR 3G104 3I1A:P
08:26:21 DP13 PERS-ID 3I1A [REDACTED] GOTELLI GREGG W/0105
08:26:47 DP13 MISC 3G5A, MORE TAPE NEEDED
08:27 ? DP13 ONSCENE 3G104
08:31:59 K220 MISC 3G1A, SFPDMDCCMDLINE MASK: QUERY 1: LEWI\NAME\A\A
[REDACTED] YIN\ [REDACTED] SEX: [REDACTED] QUERY 2: *QN/NAME: [REDACTED]
/YIN.DOB: [REDACTED] SEX: [REDACTED] QUERY 3: [REDACTED]
YIN [REDACTED] DOB/[REDACTED] QUERY 4: IRQVC [REDACTED]
YIN.SEX/[REDACTED].DOB/[REDACTED].APP/YQUERY 5: INL1 [REDACTED]
[REDACTED]
08:36:01 DP09 MISC 3G28, ADV ME WHEN ENG ARRIVED OS
08:37:39 DP13 MISC 3I1A, 5 MIN ETA.. STUCK IN TRAFFIC ON 19TH AVE
08:43:08 K245 ONSCENE 3I1A
08:45:11 DP17 ONSCENE 5H17
08:45:15 DP17 CHGLOC 5H17 SFGH,SF
08:46:10 DP13 BACK-ENR 2X2:UN, FROM TURK/LAGUNA
08:46:10 DP13 PERS-ID 2X2 [REDACTED] FULGADO SHAWN M/0809
08:54:59 DP13 TRANSPRT 3G5A 850 BRYANT, HOMICIDE
08:57:25 DP09 CHGLOC 3G4A CO G,SF
08:59:29 DP13 ONSCENE 2X2
08:59:35 DP15 BACK-ONS 3G3A 3E2A:P
08:59:35 DP15 PERS-ID 3E2A < [REDACTED] >LEE MICHAEL/1643
08:59:51 DP15 PREEMPT 3E2A
09:04:33 DP13 CLEAR 5X300
09:08:31 DP17 PREEMPT 5H17
09:09:38 DP02 ONSCENE 3G28
09:09:41 DP02 ONSCENE 3X500
09:09:50 DP11 BACK-ENR 3X500 3E2A:P
09:09:50 DP11 PERS-ID 3E2A [REDACTED] LEE MICHAEL/1643
09:15:13 DP15 BACK-ENR 3E2A 3E11A:P
09:15:13 DP15 PERS-ID 3E11A [REDACTED] LEONETTI FRANK V/1862 < [REDACTED] HORAN
MICHAEL V/1947
09:15:14 DP11 PREEMPT 3E11A

09:19:55 DP13 CLEAR 3E2A
09:22:30 DP13 CHGLOC 5H9 HOJ,SF, F/U
09:27:43 K331 CHGLOC 3G3A CO G F/U
09:29:42 K331 ONSCENE 3G3A
09:56:28 DP13 CHGLOC 2X2 HOJ,SF #HOMICIDE
09:57:11 DP13 BACK-ONS 3G4A 3D13A:P
09:57:11 DP13 PERS-ID 3D13A [REDACTED] VALDEZ JOSEPH M/4228 [REDACTED] >CLAUDIO
ANTONIO C/1623
09:57:17 DP13 CHGLOC 3G4A HOJ,SF #HOMICIDE
09:57:27 DP13 CLOC-ONS 3D13A HOJ #HOMICIDE
09:57:39 DP13 ONSCENE 3G4A
09:57:47 DP13 CHGLOC 3D13A HOJ,SF #HOMICIDE
09:57:51 DP13 ONSCENE 3D13A
09:58:33 DP13 CHGLOC 3G28 HOJ,SF
10:20:37 DP09 CHGLOC 3G5A CO G,SF
10:20:45 DP09 APPD-MSG 98 TO COMPANY
10:25:26 K085 CLEAR 3D13A HAN
10:30:52 DP13 BACK-ENR 3G2A 3G43C:P
10:30:52 DP13 PERS-ID 3G43C [REDACTED] WU EDDIE S/0018
10:39:42 DP13 ONSCENE 5H9
10:57:05 DP13 CHGLOC 3G104 HOJ,SF
11:01:30 DP09 CLEAR 3G43C
11:11:47 DP09 CHGLOC 3G5A 850 BRYANT ST,SF
11:17:21 DP13 BACK-ENR 3G5A 3G43C:P
11:17:21 DP13 PERS-ID 3G43C [REDACTED] WU EDDIE S/0018
11:17:45 DP13 MISC 3G43C, TRANSPORTING 3G5A TO 850 BRYANT
11:19:28 DP13 CHGLOC 3G201 CO G,SF
11:43:37 DP13 BACK-ENR 3G1A 3G120:S
11:43:37 DP13 PERS-ID 3G120 [REDACTED] LONG STEPHANIE M/0128
11:44:23 DP13 CHGLOC 3G2A [REDACTED] FUNSTON AV,SF
11:55:51 DP13 ONSCENE 3G2A
12:05:42 DP09 CLEAR 3I1A
12:14:59 DP13 CLOC-ONS 3G1A CO G
12:16:11 DP09 CLEAR 3G43C
13:27:11 DP13 MISC 3G2A, 97 HERE ON FUNSTON .. 905 W.FD WASHDOWN ON SW
13:27:45 DP13 MISC 3G2A, 410 FD FOR W/D CAD #210
13:45:18 DP09 BACK-ONS 3G2A 3G43C:P
13:45:18 DP09 PERS-ID 3G43C [REDACTED] WU EDDIE S/0018
14:06:46 DP09 TRANSFER 1X100 CDAREA:3G -->SO
14:15:54 DP13 MISC 3G43C, CRIME SCENE CLEARING AT 1415 HRS..
14:28:08 DP13 CHGLOC 3G2A HOJ F/U
14:32:25 DP15 CLEAR 2X2 HAN
14:35:53 DP09 CLEAR 3G43C HAN
14:57:56 DP13 ONSCENE 3G2A
15:04:17 DP13 CLOC-ONS 3G4A CO G, F/U
15:04:47 DP13 CLOC-ONS 3G120 HOJ
15:48:04 DP13 CLEAR 3G201
16:47:10 DP17 CLEAR 1X100
16:47:14 DP17 CLEAR 3G35
16:48:16 DP17 CLEAR 3G5A
16:48:21 DP17 CLEAR 3G1A
17:03:53 DP13 CLEAR 3G3A
17:03:54 DP13 CLEAR 3G2A
17:03:56 DP13 CLEAR 3G4A
17:05:13 DP28 ONSCENE 3G28
17:05:35 DP28 ONSCENE 3G104
18:15:10 DP09 CLEAR 3G28, PER CO
18:15:24 DP09 CLEAR 3G104, PER CO 7E
18:15:44 DP09 CLOC-ONS 3G120 CO G, PER CO
20:46:32 DP13 CLEAR 3G120
21:11:41 SU03 CLEAR 3X500 REP
21:11:44 SU03 CLEAR 5H9 REP
21:11:44 SU03 CLOSE

Call Recap:

INITIATE:	07:16:47 10/03/11	CALL NUMBER:	#0548
ENTRY:	07:18:58	CURRENT STATUS:	CLOSED
DISPATCH:	07:19:42	PRIMARY UNIT:	3G35
ON SCENE:	07:22:14	CASE NUMBER:	110796498

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CLOSE: 21:11:44 DISPOSITION: REP
LOCATION: [REDACTED] FUNSTON AV, SF (D=3G BALBOA ST & CABRILLO ST)
DAREA: 3G CONTROL: SO
SECTOR: G3 TYPE: 219 STABBING/CUTTING
RA: 750 PRIORITY: A
FIRE: 7145 PRIOR HISTORY

OPERATOR ASSIGNMENTS:

[REDACTED]
DP07
DP17
DP09
DP13
K220
DP32
K186
SU03
DP10
SU04
DP02
AS OF 08:08:43: DP13
K245
AS OF 08:54:59: DP13
DP15
AS OF 09:04:33: DP13
AS OF 09:08:31: DP17
AS OF 09:09:38: DP02
DP11
AS OF 09:15:13: DP15
K331
AS OF 10:20:37: DP09
K085
AS OF 10:30:52: DP13
AS OF 10:57:05: DP13
AS OF 11:11:47: DP09
AS OF 11:17:21: DP13
AS OF 12:14:59: DP13
AS OF 13:27:11: DP13
AS OF 13:45:18: DP09
AS OF 14:15:54: DP13
AS OF 14:32:25: DP15
AS OF 14:57:56: DP13
AS OF 16:47:10: DP17
AS OF 17:03:53: DP13
DP28
AS OF 18:15:10: DP09
AS OF 20:46:32: DP13
AS OF 21:11:41: SU03

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Tiburon/RMS

EVENT HISTORY DETAIL: 093420171
SAN FRANCISCO POLICE DEPARTMENT

Wednesday, 5 October, 2011

14:58:21

S093420171 C 909 [REDACTED] FUNSTON AV, SF (D=3G BALBOA ST & CABRILLO ST)

01:19:04	DP04	A10989	ON-VIEW	3G14E:P ORIGIN:UNIT, GOOD OPEN DOOR
01:19:04	DP04	A10989	PERS-ID	3G14E <[REDACTED]>PEREZ FRANCISCO G <[REDACTED]>REYES DAMIEN M
01:19:11	DP04	A10989	BACK-ENR	3G14E 3G2E:P
01:19:11	DP04	A10989	PERS-ID	3G2E <[REDACTED]>MARIANO RYAN G/2191
01:19:42	DP04	A10989	QUERY	Q 3G14E [REDACTED]
01:20:02	DP04	A10989	MISC	3G14E, 909 REQ WALKTHRU...GOOD OPEN GARAGE DOOR
01:20:33	DP04	A10989	CODE-4	3G14E, WALK THRU MADE
01:21:22	DP04	A10989	MISC	3G14E, DISREGARD 29 MADE UNDER 14E MEANT FOR 11E
01:22:16	DP04	A10989	CLEAR	3G14E HAN
01:22:54	M226	A09725	CLEAR	3G2E
01:22:54	M226	A09725	CLOSE	

Call Recap:

INITIATE:	01:19:04 12/08/2009	CALL NUMBER:	#0171
ENTRY:	01:19:04 12/08/2009	CURRENT STATUS:	CLOSE
DISPATCH:	01:19:04 12/08/2009	PRIMARY UNIT:	3G14E
ON SCENE:	01:19:04 12/08/2009	JURISDICTION:	SP
CLOSE:	01:22:54 12/08/2009	DISPOSITION:	HAN
ADDRESS:	[REDACTED] FUNSTON AV, SF (D=3G BALBOA ST & CABRILLO ST)		
DAREA:	3G		
SECTOR:	G3		
RA:	750	TYPE:	909
FIRE:	7145	PRIORITY:	C
		PRIOR HISTORY:	
			MEET W/CITIZEN

CP:

ADDRESS:

PHONE:

CAD TIMESTAMP: CADT 1208090122.

OPERATOR ASSIGNMENTS:

DP04
M226

Tiburon/RMS

EVENT HISTORY DETAIL: 082870753
SAN FRANCISCO POLICE DEPARTMENT

Wednesday, 5 October, 2011

14:57:52

S082870753 | 913

[REDACTED] FUNSTON AV Apt WPH2, SF (D=3G BALBOA ST & CABRILLO ST)

06:56:03 CT12 A10661 LOGENTRY AD:WPH [REDACTED] 6 FUNSTON AV , SF #WPH2-CONF 396 FT, 090 %-AT&T
MOBILITY [REDACTED] ORIGIN:E911\TX:NO RESPONSE
06:56:03 CT12 A10661 LOGTRSFR
06:56:03 CT12 A10661 W911 [REDACTED] FUNSTON AV , SF:

Call Recap:

INITIATE:	06:55:37 10/13/2008	CALL NUMBER:	#0753
ENTRY:	06:56:03 10/13/2008	CURRENT STATUS:	W911
DISPATCH:		PRIMARY UNIT:	
ON SCENE:		JURISDICTION:	SP
CLOSE:	06:56:03 10/13/2008	DISPOSITION:	
ADDRESS:	[REDACTED] 6 FUNSTON AV Apt WPH2, SF (D=3G BALBOA ST & CABRILLO ST)		
DAREA:	3G		
SECTOR:	G3		
RA:	750	TYPE:	913
FIRE:	7145	PRIORITY:	I
		PRIOR HISTORY:	

COMPLAINT UNKN

CP:
ADDRESS:
PHONE:

CAD TIMESTAMP: CADT 1013080656

OPERATOR ASSIGNMENTS:

CT12 [REDACTED]

San Francisco Police Department INCIDENT REPORT

Report Type: Initial

110796498

Incident Number 110-796-498	Occurrence from Date/Time 10/3/11 07:18	Occurrence to Date/Time	Reported Date/Time 10/3/11 07:19	CAD Number 112760548
Type of Incident Homicide, W/ Sharp Object -01002, Homicide, Justifiable, By Police Officer W/ Weapon -01053				
Location of Occurrence Funston Av		At Intersection with/Premise type Flat		District RICH
Confidential Report? <input type="checkbox"/>	Arrest Made? <input type="checkbox"/>	Suspect Known? <input checked="" type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Non-Suspect Incident? <input type="checkbox"/>
			Domestic Violence? <input type="checkbox"/>	(Type of Weapon Used) Knife
Location Sent FUNSTON AV				District RICH
How Cleared?	Reported to Bureau Homicide	Name Lt. Sainez	Star 10/3/11	Elder Victim <input checked="" type="checkbox"/>
		Gang Related? <input type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>	Prejudice Based? <input type="checkbox"/>

110796498

O F F I C E R S C R E D I T I O N	I declare under penalty of perjury, this report of 5 pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the event.				
	PROP 115 CERTIFIED 5 YEAR/POST Sign [Signature]				
	Reporting Officer Wong, Robert M	Star 2005	Station Richmond Station	Watch 0600-1600	Date 10/3/11 20:05:36
	Reviewing Officer Sgt. Christopher Breen	STAR	Station Co. 6	Watch 16/02	Date 10/3/11
	OIC LT. LOUIS ESPINDA #698	STAR	Station Co. 6	Watch 1530/130	Date 10/3/11
	Related Case	Related Case	Re-Assigned to Copies to 5H200 5H200	Assigned to 5H200	Assigned by R. Wong#2005

R I C T I M	Code RV 1	Name (Last, First Middle)			Alias
	Day Phone	Type Unknown	Home Address Funston Avenue	City San Francisco	State CA
	Night Phone	Type Unknown	Work Address Retired	City	State
	[Redacted]				Zip Code
	School (if Juvenile)				Injury/Treatment Stab Wound Rt. Hand, Medic#95
				Other Information/If Interpreter Needed Specify Language Transported to MEH	

S U S P E C T	Code S 1	Name (Last, First Middle)			ALIAS
	Day Phone	Type Unknown	Home Address Funston Avenue	City San Francisco	State CA
	Night Phone	Type Unknown	Work Address N/A	City	State
	DOB Unknown				Zip Code
	SFNO	3/ID# (if Juvi.)	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number
	Book Section #1 Book Section #2 Book Section #3 Book Section #4 Book Section #5				
	Warrant #	Court #	Action #	Dept	Enroute to
	Warrant Violation(s)				Bail
	Citation #	Violation(s)	Appear Date/Time	Location of Appearance	Statement
	Book/Cite Approval	Star	Mass Arrest Code	M X-Rays	School (if Juvenile)

SFPD 110796498

Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos
Deceased person.

000025

110796498

San Francisco Police Department
ADDITIONAL REPORTEE

RP CODES: F-FOUND; N-NOTIFY; P-PARENT; R-REPORTEE; V-VICTIM; W-WITNESS

V I C T I M	Code	Name (Last, First Middle)				Alias					
	V 2	[REDACTED]									
	Day Phone	Type	Home Address				City	State	Zip Code		
		Unknown	[REDACTED] Funston Avenue				San Francisco	CA	[REDACTED]		
	Night Phone	Type	Work Address				City	State	Zip Code		
		Unknown	N/A								
	DOB/	Age	DOB	or age between	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.
	[REDACTED]										
	Confidential Person	Violent Crime Notification	293 PC Notification	Star	F/U Form	Statement	Relationship to Subject				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		YES <input type="checkbox"/>	YES <input type="checkbox"/>	[REDACTED]				
	School (if Juvenile)	Injury/Treatment				Other Information/If Interpreter Needed Specify Language					
		Multiple stab wounds.				Deceased Person.					

W I T N E S S	Code	Name (Last, First Middle)				ALIAS					
	W 2	[REDACTED]									
	Day Phone	Type	Home Address				City	State	Zip Code		
		Unknown	[REDACTED] Funston Avenue				San Francisco	CA	[REDACTED]		
	Night Phone	Type	Work Address				City	State	Zip Code		
		Unknown	N/A								
	DOB/	Age	DOB	or age between	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.
	[REDACTED]										
	Confidential Person	Violent Crime Notification	293 PC Notification	Star	F/U Form	Statement	Relationship to Subject				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		YES <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/>	[REDACTED]				
	School (if Juvenile)	Injury/Treatment				Other Information/If Interpreter Needed Specify Language					
		Not injured				N/A					

	Code	Name (Last, First Middle)				ALIAS					
	Day Phone	Type	Home Address				City	State	Zip Code		
	Night Phone	Type	Work Address				City	State	Zip Code		
	DOB/	Age	DOB	or age between	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.
			Unk <input type="checkbox"/>	AND							
	Confidential Person	Violent Crime Notification	293 PC Notification	Star	F/U Form	Statement	Relationship to Subject				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		YES <input type="checkbox"/>	YES <input type="checkbox"/>					
	School (if Juvenile)	Injury/Treatment				Other Information/If Interpreter Needed Specify Language					

	Code	Name (Last, First Middle)				Alias					
	Day Phone	Type	Work Address				City	State	Zip Code		
	Night Phone	Type	WORK ADDRESS				City	State	Zip Code		
	DOB/	Age	DOB	or age between	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.
			Unk <input type="checkbox"/>	AND							
	Confidential Person	Violent Crime Notification	293 PC Notification	Star	F/U Form	Statement	Relationship to Subject				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		YES <input type="checkbox"/>	YES <input type="checkbox"/>					
	School (if Juvenile)	Injury/Treatment				Other Information/If Interpreter Needed Specify Language					

SFPD377 B (03/03)

110796498

San Francisco Police Department PROPERTY LISTINGS

E 1	Code/No EVD 1	Item Description Driver's License				Brand CDL	Model	
	Serial No.	Gun Make	Caliber	Color WHI	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 2005	From Where						
	Additional Description/Identifying Numbers Supect's CDL.							
E 2	Code/No EVD 2	Item Description One Photo CD				Brand SFPD	Model	
	Serial No.	Gun Make	Caliber	Color WHI	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 2005	From Where Officer Ison						
	Additional Description/Identifying Numbers One Photo CD with 51 Photos of crime scene..							
E 3	Code/No EVD 3	Item Description Crime scene log				Brand SFPD	Model #28	
	Serial No.	Gun Make	Caliber	Color WHI	Narcotics Lab No.	Quantity 1	Value	
	Seized by (Star) 2005	From Where Hernandez #1608						
	Additional Description/Identifying Numbers Three page crime scen log.							
	Code/No	Item Description				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers							
	Code/No	Item Description				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers							
	Code/No	Item Description				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers							
	Code/No	Item Description				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers							

110796498

San Francisco Police Department
NARRATIVE

On 10-03-11 at 0720 hours, I responded to [REDACTED] Funston Avenue on an "A" priority Stabbing. While enroute, I saw an Ambulance responding 3 directly behind me which I believed was going to the same call as I was. As I approaching the scene, I could see citizens waiving their arms trying to flag me down.

When I arrived at the scene, the medics parked the ambulance behind patrol vehicle. I observed (RV1) [REDACTED] who was standing outside in front of [REDACTED]. (RV1) [REDACTED] was holding [REDACTED] right hand which was wrapped in a towel dripping with blood. I asked (RV1) what had happened and (RV1) told me [REDACTED] had cut [REDACTED] with a knife, then pointed to the flower pot to [REDACTED] right just in front of [REDACTED].

(RV1) then picked up the knife which, which appeared to be approximately 9" long, with a wooden handle. The knife was laying inside the flower pot and I told [REDACTED] to leave it and do not touch it, (RV1) then dropped the knife back into the flower pot where it was and I asked [REDACTED] if that was the knife used to cut [REDACTED] and [REDACTED] said "[REDACTED]"

I asked (RV1) where [REDACTED] was and [REDACTED] told me "[REDACTED] is upstairs!" I asked (RV1) if [REDACTED] had any additional weapon's with [REDACTED] and [REDACTED] stated "I don't know!" I asked (RV1) if [REDACTED] was on any drug's or had any mental disability. (RV1) stated [REDACTED] does not do drug's but he had [REDACTED].

I then instructed (RV1) to go with the medics so they can attend to [REDACTED] wounds. I advised Dispatch that the medics were on scene. At that point, 3G1A, Officer Hernandez #1608 responded to the scene to assist in the investigation. I told Hernandez the suspect, later identified as (S1) [REDACTED], was said to be still inside the home.

I wanted to go inside immediately to get the suspect, however, Officer Hernandez advised me that we should wait until we had the (ERIW) less lethal weapon available, prior to entering. 3G28, Officer Ison #176 stated he was enroute, (via pic radio) with the ERIW. We then decided to see if we could get (S1) [REDACTED] to come out by [REDACTED] by calling [REDACTED] on the phone. I went back to the ambulance to ask (RV1) [REDACTED] for the phone number to [REDACTED] and ask [REDACTED] for [REDACTED] name.

When I got the information, I returned to the front of (RV1's) home and noted that entry was already made by the responding officer's, 3G35, Officer Carrasco #1599, Officer Heppler #1776, Ison and Hernandez.

As I was about to enter the home after approaching the front door, I heard three popping sounds which I recognized as gun fire. I then ran into the home to assist in the situation. while doing so within a split second, I saw Officer Carrasco dragging an elderly [REDACTED] out to safety down the stair's later identified as (V2) [REDACTED].

I could see that (V2) [REDACTED] had blood all over [REDACTED] body and noticed [REDACTED] had stab wounds to [REDACTED] neck and upper body as Officer Carrasco carried [REDACTED] to safety. The Medics transported (RV1) [REDACTED] and (V2) [REDACTED] to SFGH for medical treatment.

Carrasco then went back up the stair's and came back down the stair's with Officer Heppler, holding him by his arm, I could see that Officer Heppler appeared to very shaken up by the situation as he walked past me.

was lying face down on the floor with blood on his body, I also noticed that he had several stab wound's on his upper body. At the same time, I hear Officer Ison's voice saying "Clear" as he worked his way to the rear of the home, still searching the home for additional suspects and victims.

I then observed (WR2) [REDACTED] who opened up [REDACTED] bedroom door, come out of the room, Officer Ison ordered [REDACTED] to show [REDACTED] hand's and come towards him. (WR2) did not comply to Ison's commands, instead [REDACTED] ran into the next door bedroom and locked the door behind [REDACTED]

Ison shouted at (WR2) to open the door to no avail, Ison then kicked the door open. (WR2) was ordered to come out of the room, but did not comply. Officer Ison then grabbed [REDACTED] but, [REDACTED] was placed into handcuffs by 3G5A, Officer Ferretti #1689 and myself. (WR2) was escorted out of the home by Officer Ferretti.

Once the home was deemed safe, additional medics entered the home to render aid to (S1) [REDACTED] who was transported to MEH for medical evaluation and treatment. (S1) [REDACTED] was shot by (ERIW) once by Officer Ison who told me he ordered (S1) [REDACTED] to drop the knives but [REDACTED] did not comply. Officer Ison told me he shot [REDACTED] once in "Zone One" but did not know if the Bean bag made contact with [REDACTED] Officer Heppler fired his primary weapon to the upper torso of [REDACTED] who was still armed with the knives in [REDACTED] hand's advancing towards Heppler.

Officer Hernandez started the crime scene log and all of Richmond Station Unit's responded to the scene to assist. 3G104, Sgt. Gray #1304 and 3G201, Lt. Lee #1179, also responded to the scene to assist in the investigation. Lt. Lee notified DOC at 0729 hours today's date of the incident.

Homicide Units responded to the scene and took control of the investigation, Lt. Sainez, Insp. Warnke #1397 and Insp. Cunningham advised all Richmond Units who responded to the scene to respond to Homicide to give taped statements of the incident. Officer Carrasco and Officer Heppler were medially transported away from the scene.

Officer Ophir informed me that (V2) [REDACTED] and (S1) [REDACTED] had later succumbed to their injuries and was pronounced dead at SFGH. (V2) [REDACTED] at 0934 and (S1) [REDACTED] at 0941 hours, today's date. Sgt. Gray made note of this incident on the Use of Log at Richmond Station. I booked (E1) Suspect CDL, (E2) Photo CD, and (E3) Crime Scene log into evidence at Richmond Station.

Officer Art Howard of the CIRT Unit responded to the scene.

COPY

SUSPECT
110 796 498

CALIFORNIA DRIVER LICENSE



SAN FRANCISCO POLICE DEPARTMENT

CRIME SCENE LOG

DATE NUMBER:

110796498

1 OF 3

TYPE OF INCIDENT:

Homicide By Knife

LOCATION:

[REDACTED] FUNSTON AV. SF. CA

DATE/TIME OF INCIDENT:

10/3/11 - 0718

OFFICER MAINTAINING LOG:

HERNANDEZ

STAR:

1608

DATE/TIME LOG STARTED:

10/3/11 - 0729

DEPUTY OFFICER:

OPHRE / WU 18

STAR:

1772

DATE/TIME:

10/3/11 / 1155

VEIN	NAME	POSITION/TITLE	REASON FOR ENTRY	TIME OUT
721	OFF. WONG #2005	OFFICER	INVESTIGATION	0733
722	OFF. HERNANDEZ #1608	OFFICER	INVESTIGATION	1155 1155
723	OFF. ISAN #176	OFFICER	INVESTIGATION	0848
723	OFF. FORRETT #1689	OFFICER	INVESTIGATION	0854
723	OFF. OPHRE #1772	OFFICER	INVESTIGATION	0733
123	OFF. CALLASCO #1599	OFFICER	INVESTIGATION	0744
127	OFF. HEPLER #1726	OFFICER	INVESTIGATION	0744
122	SFFD CHAN ENL 14	FIRE/MEDICAL	MEDICAL	0743
122	" JANDEN ENL 14	FIRE SFFD	MEDICAL	0743
122	REUSE ENL 14	SFFD	MEDICAL	0743
122	BINKLEY ENL 14	SFFD	MEDICAL	0743
122	SFFD EN 31	SFFD	MEDICAL	0740
721	SFFD MEDICAL 54	MEDICAL	MEDICAL PERSONNEL	0732
0723	OFF. FILLMORE #213	OFFICER	INVESTIGATION	0957
	Sgt. Gray #1304	OFFICER	INVESTIGATION	1058
127	Lt. FRANKLER #1771	OFFICER	INVESTIGATION	1043
740	CHIEF SUHR	OFFICER	INVESTIGATION	0900
53	DR. CHIEF CHAMM	OFFICER	INVESTIGATION	0905
53	Com: TOMFOUR	OFFICER	INVESTIGATION	0905
19	SHAW Lt. SANCHEZ	HOMESIDE	INVESTIGATION	UNK
319	INSP. WARRICK #1397	HOMESIDE	INVESTIGATION	UNK
4	Lt. DALWORTH #280	OFFICER	MEDICAL RECORDS	1030
4	OFF. ESPALZA #450	OFFICER	MEDICAL RECORDS	1030
51	OFF. FIGADO #209	OFFICER	SRT	0910
15	OFF. CMT. McRACHEN	OFFICER 11300	RESK	0912
20	SFFD 11000 H. VICK 1104	OFFICER	RESK	0912
3	CAPT. SANDERS	OFFICER	INVESTIGATION	UNK

INCIDENT NUMBER:

110 796 498

20R3

TYPE OF INCIDENT:

HOMICIDE BY KNIFE

LOCATION:

[REDACTED] FORT ST. NW. SF CA

DATE/TIME OF INCIDENT:

10/3/11 0718

OFFICER MAINTAINING LOG:

HARRIS / 1608

STAR:

DATE/TIME LOG STARTED:

10/3/11 0729

CHIEF OFFICER:

DOTT / WA 19

STAR:

DATE/TIME:

10/3/11 1155

ME IN	NAME	POSITION/TITLE	REASON FOR ENTRY	TIME OUT
830	CON. BIEL #677	OFFICER	RISK. FIVE	0923
834	ADM INV. SULLIVAN	INVEST. D. A.	INVESTIGATION	1003
842	OFF. COLE 1229	OFFICER	CSI	1415
842	OFF. GONZALEZ #911	OFFICER	CSI	1415
842	OFF. PABILL 1284	OFFICER	CSI	1415
842	CIVILIAN VALDESPINO	CIVILIAN	REASON. CSI	1415
340	OFF. NAKHES #424022	OFFICER	CSI	1415
842	OFF. KAMETA 1792	OFFICER	CSI	1415
821	ADM. MCCARTHY #704	INVESTIGATOR	QA'S OFFICE	UNK.
815	INSP. CONNOR #1680	INSP.	INVESTIGATION	UNK.
918	LT. MCFARLANE	OFFICER	CSI	UNK.
725	DENNIS MARSON	JCC INV.	INVESTIGATION	1034
1925	INSP. #166	I.A.D. DES	REP. INVESTIGATION	1037
855	WLT. TOMEKA #366	Sgt. #1048	INVESTIGATION	1037
353	DEPUTY. WATLAND 1261	Sgt. #1048	INVESTIGATION	1037
37	INSP. CLEARY 155	INSP.	INVESTIGATION	0955
37	CAPT. CASSANO #68	CAPT.	CSI	UNK.
137	OFF. ROWE	OFFICER	CSI	UNK.

SAN FRANCISCO POLICE DEPARTMENT

CRIME SCENE LOG

IDENT NUMBER:

110796498

30F3

TYPE OF INCIDENT:

HOMICIDE BY KNIFE

LOCATION:



FUNSTON

DATE/TIME OF INCIDENT:

10/03/11

OFFICER MAINTAINING LOG:

OPHIR

STAR:

1772

DATE/TIME LOG STARTED:

10/03/11

DEPUTY OFFICER:

OPHIR / WU #18

STAR:

1772

DATE/TIME:

10/03/11 @ 1155

TIME IN	NAME	POSITION/TITLE	REASON FOR ENTRY	TIME OUT
155	OPHIR #1772	POLICE OFF. / 3624	MAINTAINING CRIME SCENE LOG	1350
350	WU #18	POLICE OFF. / 36430	" "	1415
CRIME SCENE CLOSED AS PER CSI @ 1415 HRS				

Officer William Heppler #1726 Homicide Interview Synopsis

Homicide Detail: October 3, 2011 16:44hrs

Date of hire: [REDACTED]

Watch worked: [REDACTED]

Call sign: 3G35 (plain clothes assignment at Richmond Station)

Partner: Officer Troy Carrasco #1599

Interviewed by Homicide Detail: Sergeant Scott Warnke and Sergeant William Braconi

POA Attorney: Christopher Shea

Also Present: DAI Investigator Jim Quesada and DA Mike Sullivan

Officer Heppler was wearing a blue hooded sweatshirt with white element logo, blue jeans and black tennis shoes. He was wearing his star on a chain around his neck. It was visible.

Officer Heppler and his partner, Officer Carrasco responded to the 600 block of Funston on a call regarding an [REDACTED] neighbor who had been stabbed in the hand by [REDACTED]. It was an "A" priority assault with a knife.

Officer Heppler and Officer Carrasco were in an unmarked vehicle. When they arrived the fire trucks were already on the scene as well as Officer Hernandez, Officer Wong and Sergeant Gray.

Officer Heppler and Officer Carrasco got in line at the front door. The front door lead directly to a flight of stairs going to the second floor. The stairs had a small landing at the top. Officer Hernandez was first in followed by Officer Ison, Officer Carrasco, Officer Heppler, and Sergeant Gray. Officer Heppler noticed that there was blood all over the entryway. When he was going up the stairs he noticed there was blood on the railing. He made note of that to Sergeant Gray who was about to put his hand on the railing. He said they went up the stairs in a fashion to clear the house. Officer Heppler had his gun at the low ready, because the other officers in front of him had their guns up pointing up the stairs.

When they got to the top of the stairs, Officer Heppler saw and [REDACTED] victim face down lying in the hallway. [REDACTED] wasn't moving.

Officer Heppler described Officer Hernandez and Officer Ison going to the right to the kitchen to clear that room. [It is believed based on the area that Officer Heppler described after reviewing photographs that the room he initially described as the kitchen was in fact a bedroom.] Officer Carrasco was in the front looking down the hallway and had his gun pointed down the hallway. Officer Heppler was behind him with his gun at the low ready. They saw a [REDACTED] at the very end of the hallway. [REDACTED] went across into a room. They started yelling "SFPD! Police, come out with your hands up!" Officer Heppler said there was no response from the [REDACTED]

Officer Carrasco said he was going to re-holster his weapon and try to render aid to the victim on the ground by pulling [REDACTED] out of the way of the hallway. Officer Heppler took his gun from the low ready and pointed down the hallway to provide cover for Officer Carrasco. Officer Carrasco started to pull the

victim out. As Officer Carrasco was pulling the victim away, Officer Heppler yelled, "SFPD! Come out with your hands up!" Officer Heppler originally thought that the [REDACTED] at the end of the hallway could be a possible suspect and that [REDACTED] might have stabbed the victim on the floor.

Suddenly, a [REDACTED] year old [REDACTED] suspect came out of a door from the north side of the hallway, very close to Officer Heppler. The suspect popped out with a knife in [REDACTED] hand. [REDACTED] had a glazed look on [REDACTED] face, with "dead eyes." [REDACTED] had a knife in [REDACTED] hand and [REDACTED] raised it up raised it up to shoulder height. Officer Heppler thought the knife was in the suspect's right hand. He believed there may have been something in the suspect's left hand but was not sure what it was. Officer Heppler said, "Drop the knife, drop the knife, please drop the knife." Officer Heppler started to back up. Officer Heppler knew from dispatch that there was a [REDACTED] year old [REDACTED] suspect that had cut [REDACTED] and there was an [REDACTED] [REDACTED] victim, who was not moving, on the floor. Officer Heppler now thought that the suspect coming towards him with the knife had stabbed the suspect's [REDACTED] and possibly killed the victim on the floor.

Officer Heppler knew that Officer Carrasco was on the landing to his left with the [REDACTED] victim, only a foot or two away from Officer Heppler's location. Officer Heppler knew the other officers where in the area.

The suspect started to charge Officer Heppler. The suspect did not say anything and did not respond to Officer Heppler's commands to drop the knife. Officer Heppler shot the suspect. Officer Heppler said he felt that there was an imminent threat to his safety and the safety of the other officers at the scene and to his life. He wanted to stop the threat. He didn't know how many rounds he fired. Officer Heppler thought the suspect might stab him, or because Officer Heppler was backing up, the [REDACTED] might go for Officer Carrasco who had holstered his weapon and was helping the victim. The [REDACTED] fell face down.

Officer Heppler reviewed a photograph of the hallway. He indicated that he was facing east looking down the hallway towards the rear of the house. He indicated his body was in the hallway just south of the top landing of the staircase. Officer Heppler was holding his gun in front of him, in the same area as the doorway of the hallway leading to the rear of the house. When the suspect first popped out, Officer Heppler stepped back to where his body would have been parallel to the banister. The suspect charged at Officer Heppler. Officer Heppler continued to backpedal. He believed that when he discharged his firearm his body was at or west of the doorway of the room that Officer Ison and Officer Hernandez were in. That area is marked in the photograph with crime scene markers 4,5 and 6. Officer Heppler estimated that he was five to seven feet from the suspect when he fired his firearm.

HOMICIDE INTERVIEW SUMMARY
OIS 11-006 / CASE #110-796-498

Date and time of interview: 10-03-2011 at 1627 hours

Location: Homicide Detail

Present at interview:

Sergeant Scott Warnke #1397

Sergeant William Braconi #2246

ADA Sullivan

DAI Posada

POA Attorney Shay

Officer interviewed: Officer Kevin Ison #176

3G28 (one person unit), Assignment Co. G, Watch [REDACTED]

Summary as follows:

Officer Ison said he was at Richmond Station getting his gear ready for the day and was notified by dispatch that a "219" had possibly occurred on Funston. Officer Ison said he informed dispatch that he was responding as backup.

Officer Ison said when he arrived on scene he saw Officers Wong and Hernandez, as well as, EMS. Officer Ison said he loaded his ERIW with four rounds, one in the chamber and three in the tube.

Officer Ison said he met up with Officer Hernandez who had his firearm out and was standing by the door. Officer Hernandez suggested to him that they should standby until additional units arrive.

Additional units arrived and they made entry into [REDACTED] Funston. Officer Ison said that he took the point armed with his ERIW. Officer Ison said he announced "Police" multiple times as they proceeded up the staircase.

At the top of the stairs Officer Ison went to his right to clear the front room with Officer Hernandez as his cover. Officer Ison said they cleared the front room and proceeded to the room across from the stairways.

Officer Ison said prior to entering the second room he noticed a body face down in the hallway and yelled out "Body on the Ground", before clearing out the second room.

Officer Ison said he began to clear out the second room with Officer Hernandez. Officer Filamor was in the hallway with Officer Heppler and they were covering the hallway.

Officer Ison said when he cleared the room he heard Officer Heppler screaming "Police show me see your hands, put the knife down". Officer Ison said he saw Officer Heppler backing up, with his firearm pointing straight forward down the hallway.

Officer Ison said he had his ERIW up to his shoulder and saw the suspect from the doorway ■■■ was going to exit out of. Officer Ison said that he saw the left half of the suspect from his vantage point and the suspect was holding knife in ■■■ left hand.

Officer Ison said he fired one bean bag round at the suspect and he believed Officer Heppler fired at the same time. Officer Ison said he was approximately five feet or less away from the suspect when he discharged his ERIW from inside the room he was clearing. Officer Ison said he discharged his ERIW at the suspect's left chest area and it had no effect on the suspect.

The suspect fell to the ground face down and Officer Ison secured the suspect and knives. Officer Ison said he then pointed the ERIW down the hallway to secure the rest of the hallway.

Officer Ison said that he and Officer Filamor cleared the rest of the house and found a [REDACTED] in one of the bedrooms. Officer Ison said he pulled the [REDACTED] out of the room and Officer Ferretti and Officer Filamor secured [REDACTED]

Officer Ison said the reason they entered the house was the suspect was still inside and they did not know if anyone else was still inside.

Officer Ison said the reason why he discharged his ERIW at the suspect was he had a clear shot at the suspect and he could stop the suspects charge and disarm [REDACTED] Officer Ison also stated he discharged his ERIW at the suspect to stop the suspect from charging and stabbing Officer Heppler.

Officer Jason Hernandez #1608

Has prior law enforcement experience

Department entry date: [REDACTED]

[REDACTED] 3G1A Uniform assignment

Officer Hernandez responded as back up. Officer Wong was on scene as well as fire and medics. An [REDACTED] [REDACTED] victim was being treated. The suspect was the [REDACTED] of the [REDACTED] victim.

Officer Ison, Officer Carrasco and Officer Heppler arrived. The officers decided to make entry because one person was hurt, it was possible that there were other [REDACTED] member that could be victims and the suspect was still inside. Officer Ison and Officer Hernandez were at the front of the line of officers. They went up the stairs and to the right. Officer Hernandez heard Officer Ison say there was a [REDACTED] victim down in the hallway. Officer Hernandez saw the victim lying face down. [REDACTED] head was towards the rear of the house and [REDACTED] feet were towards the stairs. Officer Hernandez and Officer Ison cleared the front room and moved to the next room which was full of stuff. Officer Hernandez went into the room to try to clear it. He heard yelling in the hallway, "Drop the knife!" He saw Officer Ison go to the doorway and Officer Heppler backing up in the hallway. A [REDACTED] suspect was rushing towards Officer Heppler. Officer Hernandez saw Officer Heppler fire and the suspect fall to the ground. Officer Hernandez did not see Officer Ison fire the ERIW but he saw Officer Ison "racking" the weapon after the suspect went down. Officer Ison asked Officer Hernandez if he was okay. Officer Carrasco dragged the [REDACTED] victim out and Sergeant Gray came and stood by the suspect. Officer Hernandez was assigned to start the crime scene log.

Officer Joseph Filamor #213

Date of entry to department: [REDACTED]

[REDACTED] 3G4A Uniform assignment

When Officer Filamor arrived there was a uniformed officer and two plainclothes officers on scene. They waited for Officer Ison to ready the ERIW before entry.

Officer Filamor passed Sergeant Gray on the way up the stairs to be closer to Officer Ison so he could act as the lethal cover officer.

Officer Filamor and Officer Heppler went to the right. Officer Carrasco said he was going to grab the victim on the ground.

The Officers became bunched up in the hallway as they moved west to allow Officer Carrasco to get by with the victim. Officer Filamor was no longer next to Officer Ison. Officer Heppler was in front of Officer Filamor and Officer Ison was to the right of Officer Heppler.

The [REDACTED] suspect came from the left side of the hallway. The suspect had a "crazed, blank look" on [REDACTED] face. The suspect had at least one knife in [REDACTED] hands, possibly more. The officers in the hall were shouting verbal commands to the suspect. The suspect came quickly towards Officer Heppler. Officer Ison fired the ERIW. Officer Filamor was in fear for his own safety and would have fired at the suspect if Officer Heppler had not been in his line of fire. Officer Heppler fired at the suspect. The suspect went down.

Officer Filamor kicked the knives away from the suspect's hands. Officer Filamor and Officer Ison continued east down the hallway to clear the residence. One of the doors to the back bedrooms was locked. Officer Ison forced the door open. Officer Filamor and Officer Ison detained the [REDACTED] inside. Officer Ferretti arrived and assisted with the detention.

Officer Karen Ferretti #1689

██████████ 3G5A Uniform Assignment

Officer Ferretti arrived on scene. ██████ saw the fire trucks and paramedics outside. ██████ ran to the front door of the residence. ██████ saw a ██████ victim being pulled out of the house. Officer Ferretti went upstairs. ██████ saw the suspect lying in the hallway moaning. ██████ did not hear any shots or see the suspect being shot. Sergeant Gray was with the suspect. Officer Ferretti ran to the rear of the house where Officer Ison and Officer Filamor were detaining a ██████. Officer Ferretti assisted with handcuffing the ██████ who later identified as the ██████ of the suspect and ██████ of the victims. The ██████ claimed to be asleep during the incident and did not make any statements about the attack on ██████ or the officer involved shooting. Once it had been determined the ██████ was not a suspect the handcuffs were removed. The ██████ told Officer Ferretti that ██████ and her brother suffered from ██████ and take ██████. Officer Ferretti transported the ██████ to the Homicide Division.

Officer Carrasco was wearing a blue shirt, blue jeans. His star was displayed on his outermost garment from a chain around his neck.

Officer Carrasco and Officer Heppler responded to a call of [REDACTED] stabbed in the hand. The suspect was identified as [REDACTED]. They heard an officer "code 4" and say medics were treating victim.

They were driving an unmarked vehicle. When they arrived on scene fire and paramedics were already there. They parked their vehicle at the end of the block and ran to the house because information was coming over the air that the suspect was still inside the residence.

Officer Hernandez was there as well as Officer Ison who had the ERIW. Officer Carrasco saw blood all over the sidewalk, the marble foyer and the carpeted stairs. Officer Carrasco said they went inside to locate the armed suspect and because of all the blood, to protect anyone else who may have been inside the residence.

The officers lined up to make entry into the residence. Officer Ison was in front with the ERIW, then Officer Hernandez, Officer Carrasco and Officer Heppler. Officer Carrasco did not recall who was after Officer Heppler. All the officers repeatedly stated, "San Francisco police! Come out with your hands up!" As they went up the stairs there was more blood, all over the railing and the carpet. The hallway to the right was more illuminated than the left side. Officer Carrasco tried to turn on the light to the left hallway. The switch didn't work. In the hallway to the left he saw a [REDACTED] victim lying face down. [REDACTED] was "gurgling" and [REDACTED] wasn't moving.

Officer Ison and Officer Hernandez went to the right to clear the rooms to the right. Officer Carrasco believed other officers behind him may have also gone to the right but didn't know who it was. Officer Carrasco and Officer Heppler covered the hallway to the left and continued to yell come out with your hands up. Officer Carrasco told Officer Heppler he was going to holster his gun to get the victim out and told Officer Heppler to cover him. He re-holstered his firearm knowing, Officer Heppler was covering him and the hallway.

Officer Carrasco went into the hall 3 or 4 feet. The victim's feet were facing him. Officer Carrasco went down low to grab [REDACTED] ankles. There was movement down at the end of the hallway where there were two doors. A [REDACTED] stepped out of the room on the right. Officer Carrasco and Officer Heppler started yelling commands. The [REDACTED] stepped into the room to [REDACTED] left, out of their view. Officer Carrasco stepped back from the victim and started yelling commands again. There was no reply. He said the hallway seemed really narrow. Officer Carrasco said he knew he had to get the victim out of the hallway so they could go down the hallway and he knew [REDACTED] needed immediate medical attention. Officer Carrasco went back into the hallway, grabbed the victim's ankles and started to pull [REDACTED]. Officer Carrasco was out of the hallway but he wasn't sure how far the victim was out of the hallway. Sergeant Gray was pressed up in the corner of the landing on the north east corner to allow for Officer Carrasco to get the victim by.

Officer Carrasco saw Officer Heppler go from a "low ready position" to "on point" and start to yell "Drop the knife! Put your hands up, drop the knife!" Officer Carrasco pulled the victim as hard as he could. He thought he was going to fall down the stairs. He got the victim to where [REDACTED] upper body and face were still on top step and hallway, with [REDACTED] legs down the stairs.

Officer Carrasco saw a figure coming out of the hallway to the left that appeared to be an [REDACTED] suspect. The suspect was holding [REDACTED] hands clenched in fists by [REDACTED] shoulders. Officer Carrasco did not see what was in the suspect hands. Officer Heppler initially stood his ground yelling "Drop the knife, drop the knife!" Officer Carrasco let go of the victim and started to pull his weapon out of the holster. Officer Carrasco said he was thinking "Someone's going to get killed, someone's going to get shot, someone's going to get stabbed, either me or my partner." Officer Carrasco saw Officer Heppler take [REDACTED] three big steps back and fire his gun twice. Officer Carrasco said the suspect was three to four feet from will and even closer to Officer Carrasco, with on the other side of the banister. The suspect was within striking distance of Officer Carrasco. The suspect went down. Officers started to go to the suspect who was down. Officer Carrasco grabbed the victim and took [REDACTED] down the steps and outside to the medics.

Officer Heppler was coming out and Officer Carrasco walked with him. They did not go back inside the residence.



EDWIN M. LEE
MAYOR

**POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO**

THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603



GREGORY P. SUHR
CHIEF OF POLICE

October 11, 2011

Thomas Mazzucco, President
San Francisco Police Commission
City and County of San Francisco
850 Bryant Street, Room 505
San Francisco, CA 94103

RECEIVED
OCT 11 2011
14 41 P M
SAN FRANCISCO POLICE DEPARTMENT

Re: Decision to return Officer William Heppler #1726 to his regular assignment following their involvement in Officer- Involved Shooting #11-006.

Dear President Mazzucco:

On October 11, 2011, in accordance with Department General Order 8.11, Assistant Chief Denise Schmitt convened a Return to Duty panel to consider whether Officer William Heppler #1726 should return to his regular assignments following their involvement in an officer-involved shooting on October 03, 2011.

This panel consisted of the following members:

- Deputy Chief Denise Schmitt, Office of Administrative Services (Chair)
- Deputy Chief Kevin Cashman, Office of Operations
- Commander Mikail Ali- Operations Bureau- Golden gate Division
- Commander Michael Biel- Operations Bureau- Investigations Bureau
- Commander Lyn Tomioka – Chief of Staff Office
- Captain Keith Sanford- Commanding officer Richmond Station
- Lieutenant Robert Yick- Internal Affairs Division
- Lieutenant Hector Sainez- Homicide Division
- Inspector Scott Warnke- Homicide Division
- Sergeant Mary Dunnigan, Behavioral Science Unit
- Sergeant Michael Nevin, Internal Affairs Division/OIS Investigator
- Sergeant Kirk Tomioka, Internal Affairs Division/OIS Investigator

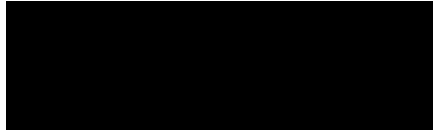
The panel considered all of the investigative information summarized by Lt. Sainez of the Homicide Detail. Sergeant Dunnigan confirmed that the involved member participated in the mandatory debriefing, as required by Department policy. As with all officer-involved shootings, the Internal Affairs Division recommended that the officers participate in a Post Discharge Firearm Debrief at the Range and in Force Options/ and Defensive Tactics training at the Academy.

After hearing the presentations and ensuing discussion, the panel recommended the return of Officer William Heppler #1726 to his regular assignment upon completion of the above-recommended training.

Based upon the facts and circumstances known at this time, and after consulting with the appropriate Department personnel as described in Department General Order 8.11, I find that Officer William Heppler #1726 should be returned to his regular assignment.

In accordance with Department General Order 8.11, I look forward to discussing my finding and decision with you at the next regularly scheduled Police Commission meeting.

Sincerely,

A large black rectangular redaction box covering the signature of Gregory P. Suhr.

Gregory P. Suhr
Chief of Police

Cc: Ms. Joyce Hicks (OCC)

SFPD Force Options Training
Officer-Involved Shooting/Discharge

Member Name OFF. WILLIAM HEPPEL # 1726

Member Unit RICHMOND STATION 20.4

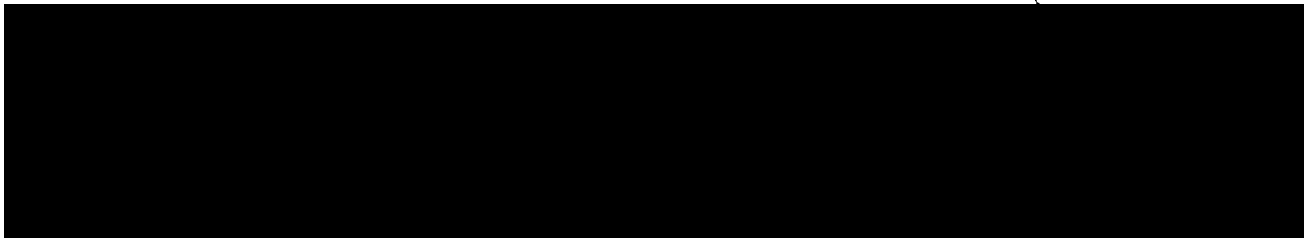
Date Completed 10/11/11

OFFICER R.K. SETO #4068
SAN FRANCISCO POLICE DEPT.
FORCE OPTIONS COORDINATOR

RTD
gave

- Reviewed DGO 5.01 and 5.02
- Completed 3 scenario-based training exercises

☒ YES ☐ NO
☒ YES ☐ NO



Signed by Member

Star # 1726

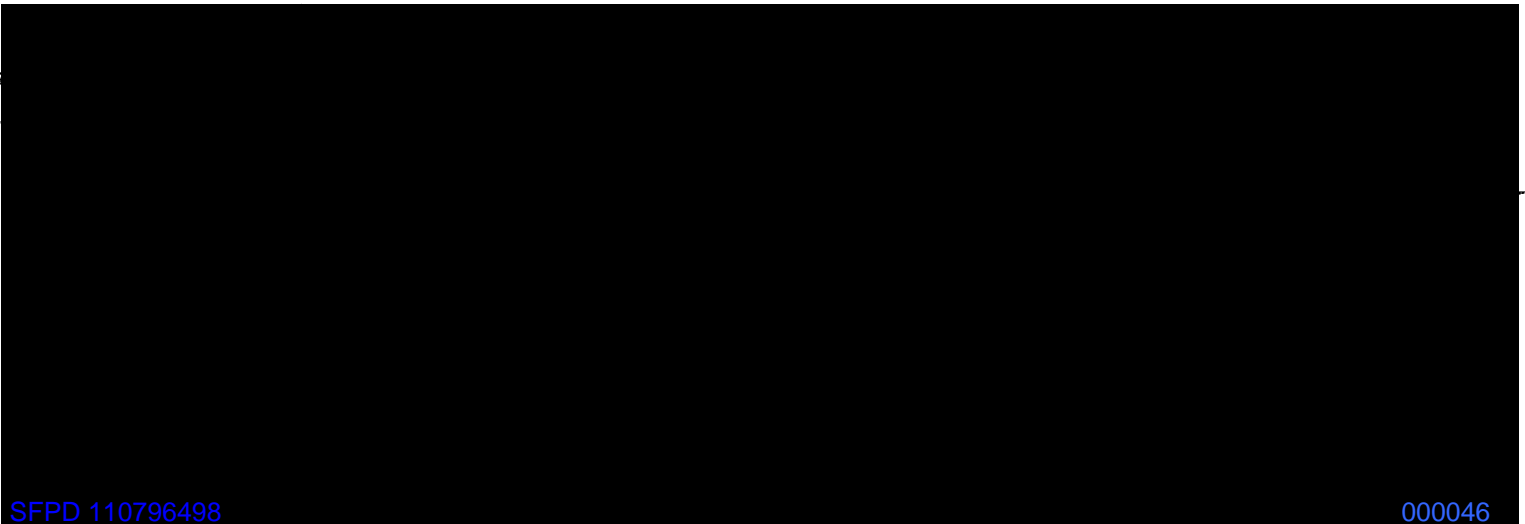
Signed by Academy S

Star # 4068

1405

FAX TO M.C.D. UPON COMPLETION (415) 553-9160

ATTN: Sergeant Mike Nevin #166



**SFPD RANGE TRAINING**

Firearms Discharge

ERIW Discharge

OIS

Referred by SGT. MIKE NEVIN #166Member Name WILLIAM HEDLER Star # 1426Member Unit RICHMOND STATIONDate Completed 10-11-11

Police Range: "Post-Discharge Debrief"

Completed? ☒ YES ☐ NO ☐ N/A

Police Range: "Gun Safety, Weapon Handling and Manipulation"

Completed? ☒ YES ☐ NO ☐ N/A

Police Range: "Engaging Threats In a Moving Vehicle"

Completed? YES ☐ NO ☒ N/A

Signed by Member

Star # 1726

Signed by Range Staff

Star # 1612

FAX TO M.C.D. UPON COMPLETION

ATTN: Sergeant Mike Nevin #166

COPY

Memorandum

San Francisco Police Department



To: Captain Greg McEachern #1124
Commanding Officer
Risk Management

APPROVED YES NO

_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

From: Sergeant Michael Nevin #166
Internal Affairs Division-OIS

Date: October 6, 2011

Subject: Preliminary Investigation: Officer-Involved Shooting 11-006
SFPD Incident #110796498

Issue:

What is the preliminary information related to OIS 11-006?

Discussion:

Incident Overview

On Monday, October 3, 2011 at 07:16 hours, DEM began receiving phone calls regarding a stabbing at [REDACTED] Funston Avenue in the Richmond District. An "A" priority call for service was dispatched and numerous units began to respond. Neighbors called 9-1-1 to report that [REDACTED] a resident at [REDACTED] Funston Avenue, was bleeding from [REDACTED] hands. [REDACTED] was outside of [REDACTED] residence with the knife that was used in the assault. It was reported that [REDACTED] was the suspect in the assault and [REDACTED] was still inside the residence.

Officer Robert Wong #2005, 3G3A, was the first to arrive at the location, and he arrived at the same time as the medics. Officer Wong noticed that [REDACTED] had a cut to [REDACTED] right hand and [REDACTED] appeared to be in shock. Officer Wong also noticed that a knife was inside a planter box in front of [REDACTED] and [REDACTED] Funston Avenue. [This 3-story building has a garage at street level; [REDACTED] Funston is the bottom flat; [REDACTED] Funston is the top flat.] A large amount of blood was visible on the sidewalk.

Officer Wong asked several questions such as: "Is there other weapons? Is [REDACTED] (suspect) on drugs? Does [REDACTED] (suspect) have mental issues?" A neighbor replied that [REDACTED] did have [REDACTED]. Officer Hernandez #1608, 3G1A, arrived on scene. Officer Wong got on the radio and stated that the suspect may have another knife and he (Wong) was prepared to make entry. Officer Hernandez suggested

they wait for the Extended Range Impact Weapon (ERIW). At the same time, Officer Ison #176, 3G28, stated that he was equipped with ERIW and he was on scene.

Several other units began arriving and the following personnel entered the premise: Sergeant Gray #1304 (3G104), Officer William Heppler #1726 (3G35 plain clothes with star displayed on chain around neck), Officer Troy Carrasco #1599 (3G35 plain clothes with star displayed on chain around neck), Officer Ison, Officer Hernandez, and Officer Joseph Filamor #213 (3G4A).

At 07:23 hours, Officer Hernandez #1608 called for a "Code 33" [clear channel for emergency] as the officer began entry into the residence. Several announcements were made "Police, Police" as the officers went up a staircase into the living area of [REDACTED] Funston Avenue. A significant amount of blood was on the staircase, walls, and banister as the officers went inside.

Officers Ison and Hernandez began to clear rooms to the west of the staircase. No one was located in these rooms. In the hallway east of the staircase, the officers located a [REDACTED] victim who was lying motionless on [REDACTED] face suffering from apparent stab wounds. Officer Carrasco told Officer Heppler that he (Carrasco) was going to holster his firearm to get the victim out. As Officer Carrasco began to pull the victim out of the hallway by [REDACTED] ankles, a [REDACTED] was seen in the rear (east) of the residence running from room to room. The officers began yelling to the [REDACTED] but [REDACTED] did not respond to the officers.

Suddenly, a [REDACTED] came out of a door from the north side of the hallway, very close to Officer Heppler. The suspect popped out with a knife in [REDACTED] hand. [REDACTED] had a glazed look on [REDACTED] face and "dead eyes." Officer Heppler said the suspect had a knife in [REDACTED] right hand and [REDACTED] raised it up raised it up to shoulder height. He believed there may have been something in the suspect's left hand but was not sure what it was. Officer Heppler ordered, "Drop the knife, drop the knife, please, drop the knife." Officer Heppler started to "back pedal." Officer Heppler knew from dispatch that there was a [REDACTED] year-old [REDACTED] suspect that had cut [REDACTED] and there was an [REDACTED] victim, who was on the floor not moving. At his point, Officer Heppler believed that the [REDACTED] coming towards him with the knife had stabbed [REDACTED] and possibly killed the victim on the floor.

Sergeant Gray became positioned at the top landing of the stairway up against a wall when the suspect went past him toward Officer Heppler. Sergeant Gray saw two knives but was unsure which hand(s) they were in.

Officer Heppler thought the suspect might stab him, or because Officer Heppler was backing up, the man might go for Officer Carrasco who had holstered his weapon and was helping the victim. The suspect started to charge Officer Heppler. The suspect did not say anything and did not respond to Officer Heppler's commands to drop the knife. Officer Heppler shot the suspect but did not know how many times he fired. Officer Heppler said he felt that there was an imminent threat to his safety and the safety of the other officers at the scene. He wanted to stop the threat. He believed that when he discharged his firearm his body was at or west of the doorway of the room that Officer Ison and Officer Hernandez were in. The area is marked in the crime scene photograph with markers 4, 5 and 6. Officer Heppler estimated that he was five to seven feet from the suspect when he discharged his firearm.

At approximately the same time, Officer Ison discharged the ERIW from a doorway of the bedroom just west of the stairway. Officer Ison heard Officer Heppler yelling, "Police! Show me your hands!" Officer Ison described Officer Heppler backing up and pointing his gun down the hallway. Officer Ison had the ERIW "at the ready," saw the suspect, and discharged the ERIW believing he struck the suspect in the torso. Officer Ison believed that Officer Heppler was going to get stabbed. Officer Ison believes that he fired at the same time as Officer Heppler.

The suspect fell to the ground and two knives were located near [REDACTED] body. [REDACTED] was still breathing when officers requested immediate medical attention for all the injured people. Both the [REDACTED] suspect and [REDACTED] victim were transported to SFGH where they were later pronounced dead. The [REDACTED] victim was the [REDACTED] year-old [REDACTED] of the suspect.

The [REDACTED] described earlier who was seen running in the east section of the residence had locked [REDACTED] in a room. After no answer at the locked door and not knowing the [REDACTED] involvement in the incident, the officers forced entry into the room and detained [REDACTED] was later determined to be the [REDACTED]-year-old [REDACTED] of the [REDACTED] (and [REDACTED]).

Timeline of Significant Events

A certified CAD (#112760548) was reviewed and time stamped by DEM:

- 07:19:12 DEM broadcast of "A" priority 219 (stabbing) at [REDACTED] Funston. "[REDACTED] is bleeding from the hand. Suspect is [REDACTED]."
- Numerous Richmond units begin response. Dispatch further advises, "[REDACTED] barrier. The [REDACTED] years-old, still inside the house."
- 07:20:40 Dispatch further: [REDACTED] wearing pajamas; steak knife was used.
- 07:21:00 Dispatch further: [REDACTED] has the knife and [REDACTED] is outside.
- 07:21:20 3G3A (Officer Wong) is on scene with medics
- 07:21:40 3G3A advises Code 4; he is on scene with medics
- 07:22:00 3G1A (Officer Hernandez) is on scene
- 07:22:20 3G3A advises that [REDACTED] is inside and [REDACTED] may have another knife and he is going to make entry
- 07:22:40 3G1A advises that they are going to standby until E.R.I.W. is on scene. 3G28 (Officer Ison) advises that he is on scene with E.R.I.W.
- 07:23:20 3G1A asked for "Code 33" on A8
- 07:24:20 3G35 (Officer Carrasco and Officer Heppler): "Come out with your hands up. Got one on the ground now. Looks to be [REDACTED] year-old [REDACTED]."
- 07:24:45 3G35 "Shots fired, one down!" Immediate request for medics. 3G104 (Sgt. Gray) asked for 2 medic units.
- 07:25:40 3G201 (Lt. Lee) advises that he is en route

*Time from "Code 33" to broadcast of "Shots fired" = 85 seconds

Suspect: [REDACTED]

[REDACTED] DOB: [REDACTED]
address: [REDACTED] Funston Avenue, S.F.

CDL [REDACTED]

Several [REDACTED] referral cards for [REDACTED] were located in a bedroom.

Homicide Investigation / CSI

Inspector Scott Warnke, Homicide Detail, is the lead criminal investigator. All civilian and member interviews, up to this point, have been conducted by the Homicide Detail.

The Medical Examiner is conducting an autopsy of suspect during the week of October 10. The report and findings will be forwarded to the Department upon completion. We will receive a preliminary report during the week of October 10.

CSI evidence includes the following:

- Officer Heppler fired two times. To date, one casing and one bullet have been recovered from the scene.
- Two knives were located near the suspect; one knife was located in the front planter box of the residence.
- ERIW discharged shotgun shell, disks and bean bag were located near the doorway where Officer Ison was positioned.
- Blood evidence was located on sidewalk in front of and throughout the residence of [REDACTED] Funston Avenue

CIT-trained officers on scene

Officer Wong took the 40-hour class in January 2006

Officer Hernandez took the 40-hour class in June 2006

Officer Carrasco took the 8-hour class in June 2005

Conclusion:

The following statute and Department General Order provisions will be considered in the evaluation of this investigation:

Penal Code Section 835a:

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Department General Order 5.01 (Use of Force rev. 10/4/95) states, in part:

D. CATEGORIES OF FORCE TO EMPLOY (IN ASCENDING ORDER OF GRAVITY)

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:

- a. Verbal Persuasion
- b. Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)
- c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
- d. Carotid Restraint
- e. Department-Issued Baton
- f. Firearm

2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE

1. Officers may use force in the performance of their duties in the following circumstances:

- a. To prevent the commission of a public offense.
- b. To prevent a person from injuring himself/herself.

- c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
 - d. In self-defense or in the defense of another person.
2. Before using force, the officer should consider these questions:
- a. What actions on the part of the suspect justify the use of force?
 - b. What crime is being or has been committed?
 - c. Does the situation require the immediate use of force?

Department General Order 5.02 (Use of Firearms rev. 3/16/11) states, in part:

C. DISCHARGE OF FIREARMS

1. PERMISSIBLE CIRCUMSTANCES. Except as limited by Sections C.4 and C.5., an officer may discharge a firearm in any of the following circumstances:
- a. In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.
 - b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an imminent danger of death or serious bodily injury to the officer or any other person.
2. VERBAL WARNING. If feasible, and if doing so would not increase the danger to the officer or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm.

Additionally, Department Bulletin 11-113 dated 5/27/11 (Response to Mental Health Calls With Armed Suspects) states, in part:

“When officers...learn that the incident involves an armed person who appears to be suffering from mental illness, or is in an apparent altered mental status, the officer shall immediately request a supervisor who shall respond to the scene...Under no circumstances shall the officers jeopardize their own safety or that of any other person in attempting to interpret or apply this directive. The goal of the procedure is to allow for sufficient time to deescalate the situation when no person, other than the person requiring mental health services, is in danger of death or serious bodily injury.”

The administrative investigation will examine this incident and a recommended finding regarding Department policy will be submitted to the Firearm Discharge

Review Board when both criminal and administrative investigations are concluded.

Recommendation:

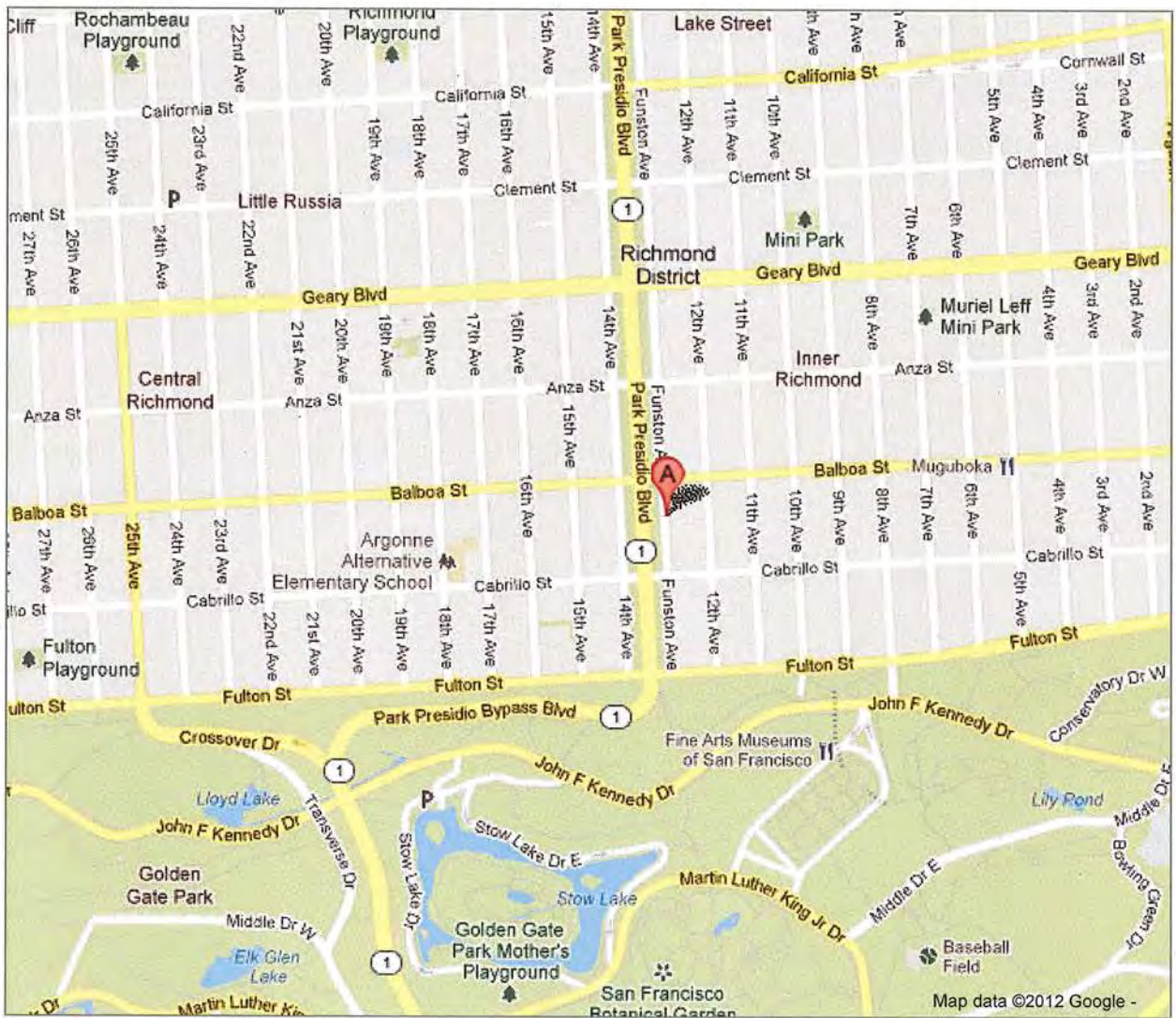
As with all Officer-Involved Shootings, Officer William Heppler has been assigned to administrative duties since the incident. A Return to Duty Panel will convene on October 11, 2011 at 13:00 hours and a recommendation will be made to Chief Suhr.

Officer Heppler will attend standard training following this incident at the Range and modified Force Options at the Academy on October 11, 2011.

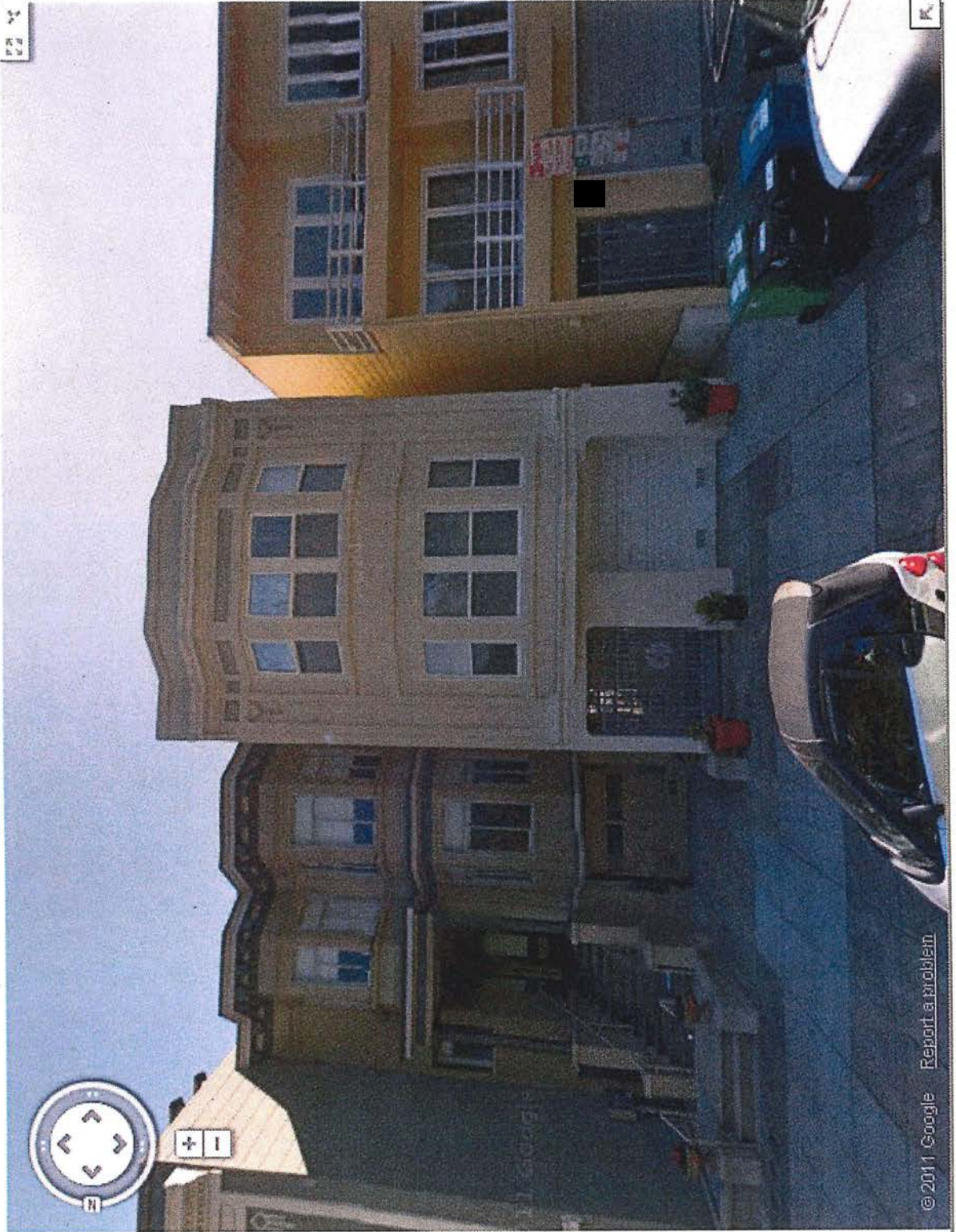
It is recommended that this investigation proceed according to Department General Order 8.11.



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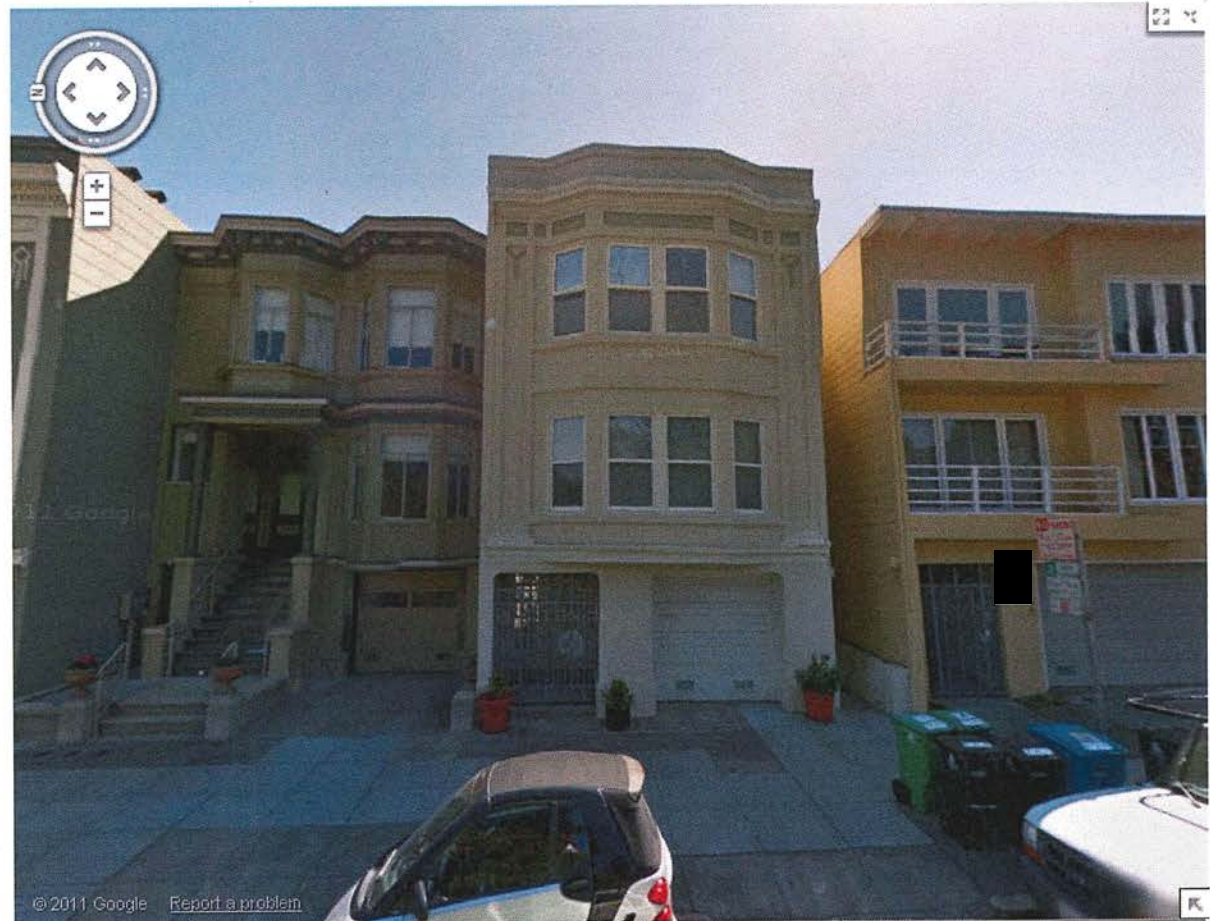


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To see all the details that are visible on the screen, use the "Print" link next to the map.



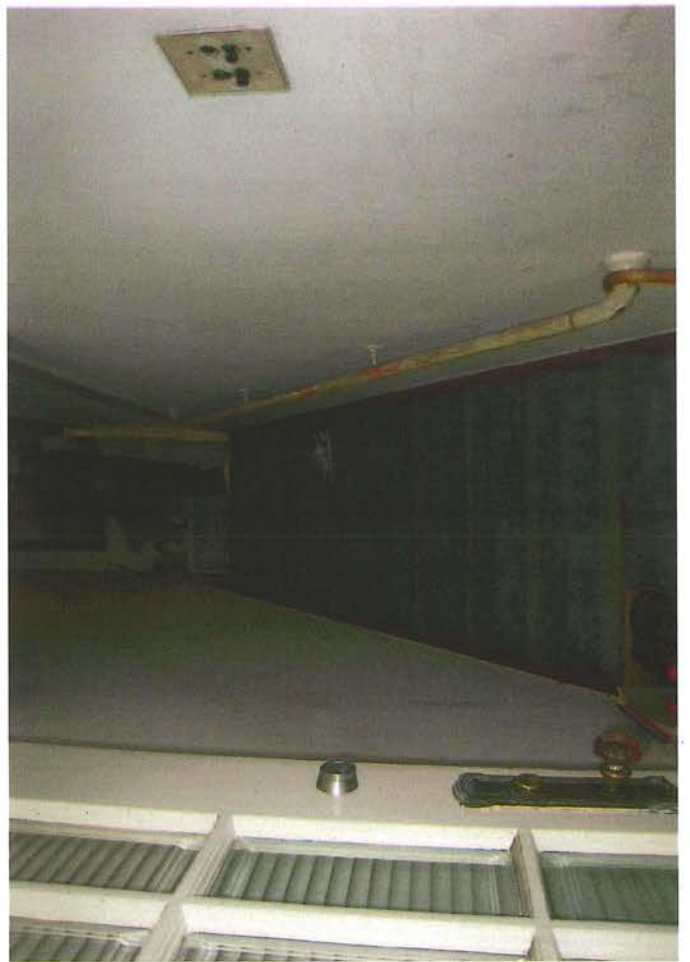








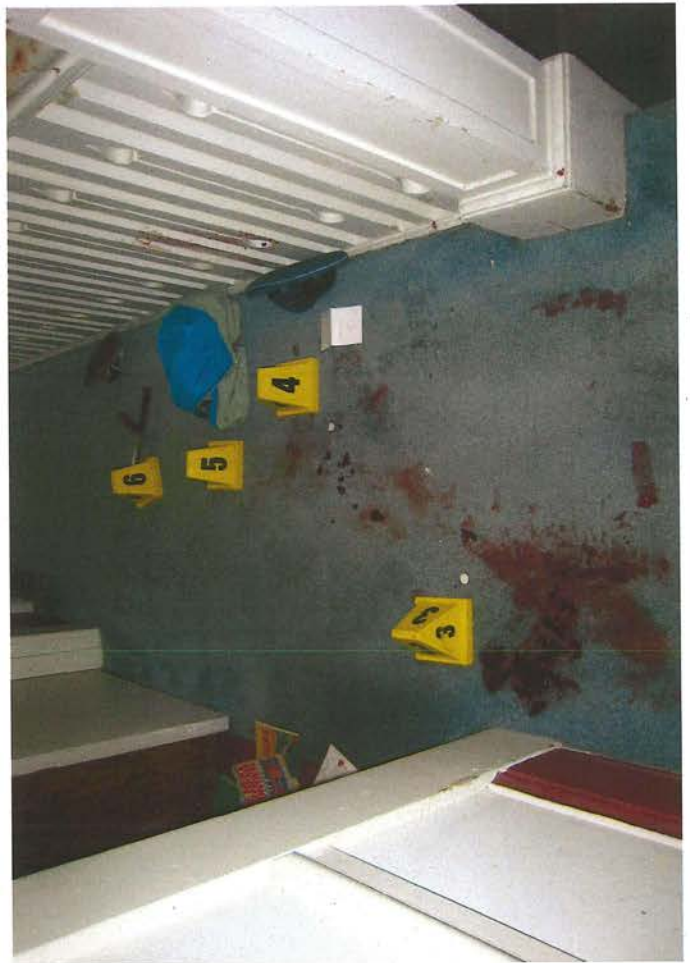








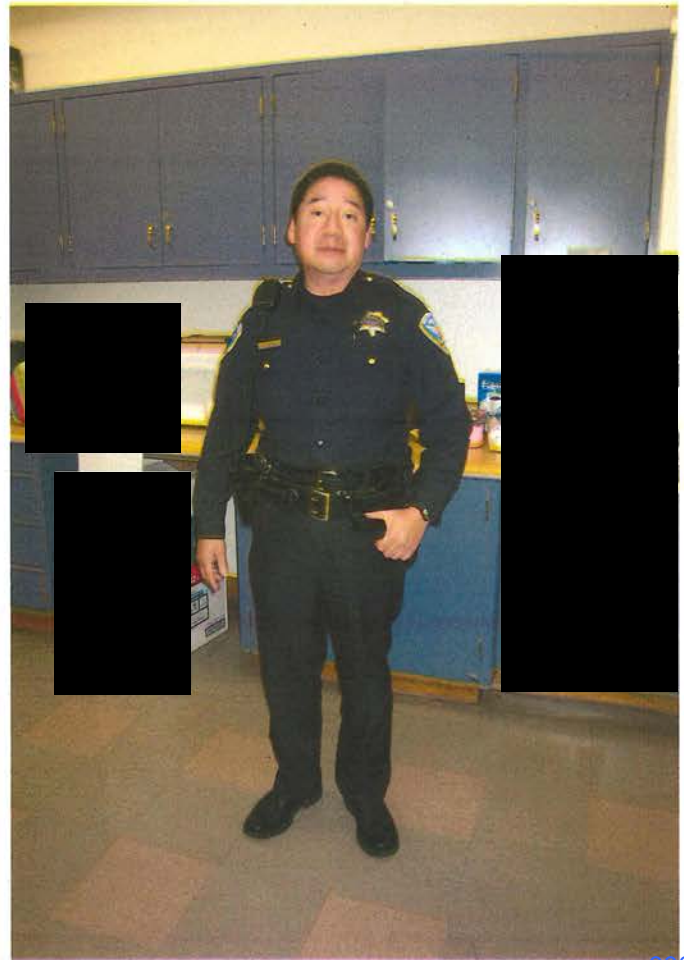
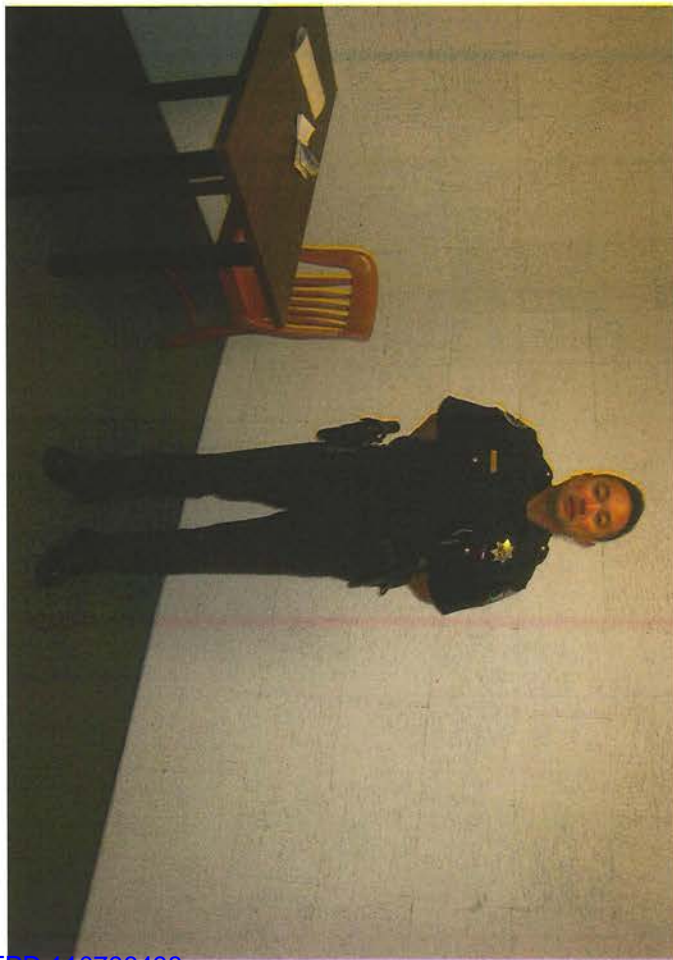


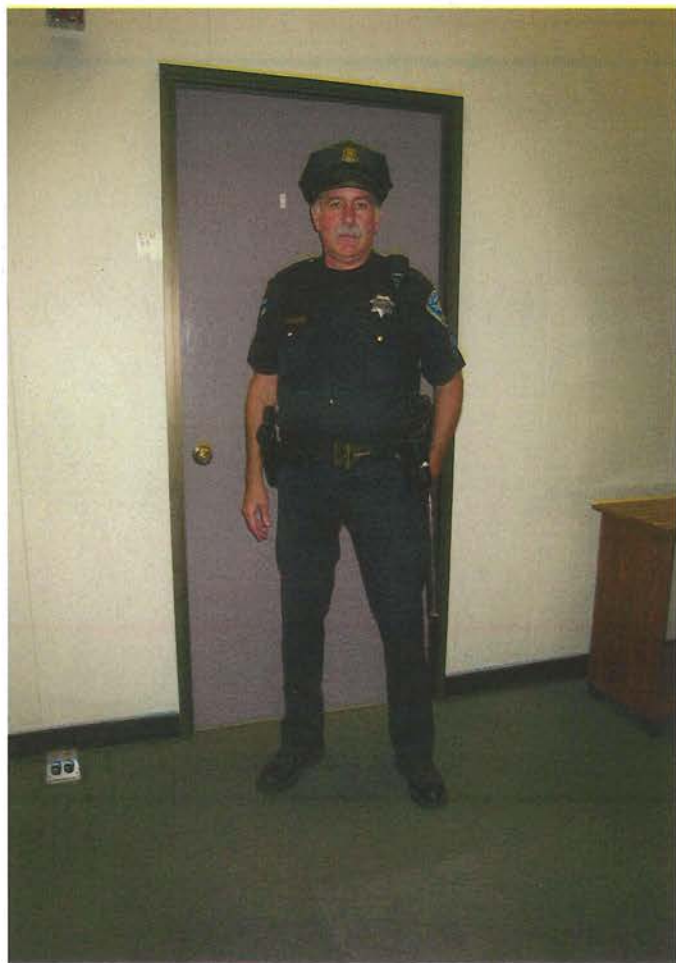


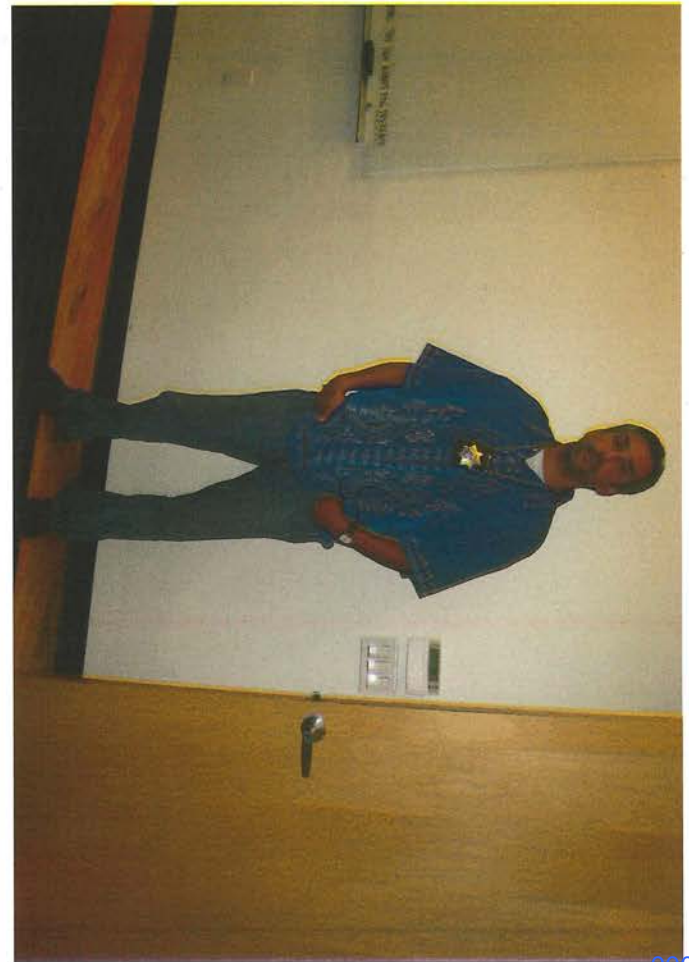
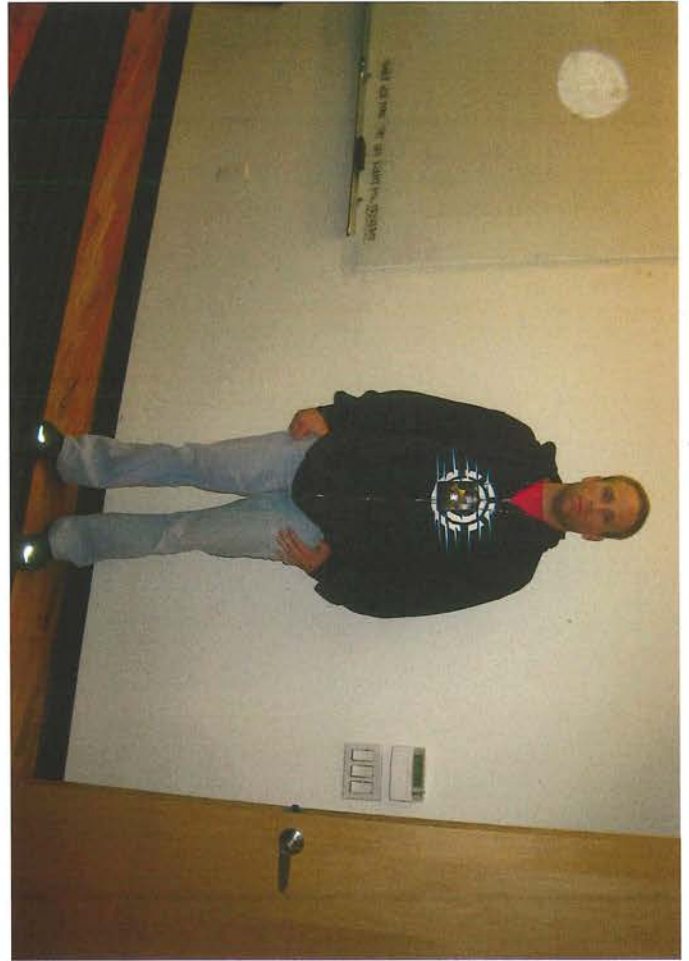


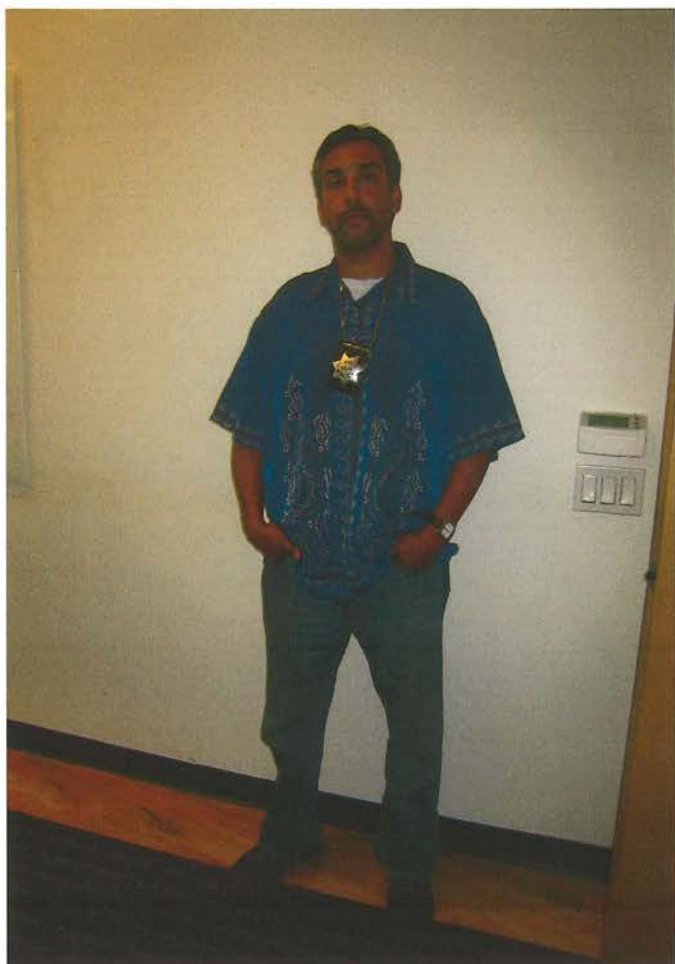












Memorandum

San Francisco Police Department


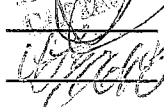


To: Captain Keith Sanford #1414
Commanding Officer
Richmond Station

From: Ofc. Kevin Ison #176
Patrol Officer

Date: Monday, October 03, 2011

Subject: ERIW

APPROVED	YES	NO
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

On 10/3/11 I was dispatched to the 600 block of Funston regarding a possible stabbing. (See Case # 110796498). During the incident ERIW #10 was discharged at the suspect. I notified Sgt Gray #1304 of the discharged which he later entered into the Use of Force log. The ERIW was later seized by CSI as evidence.

Memorandum

San Francisco Police Department



To: Captain Keith Sanford #1414
Commanding Officer
Richmond Station

From: Officer William Heppler #1726 *W. Heppler*
Richmond Station

Date: Monday, October 03, 2011

Subject: Firearm Discharge

APPROVED	YES	NO
<i>[Signature]</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>[Signature]</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Sir,

On 10/03/2011, I was involved in an incident where I was forced to discharge my SFPD issued Firearm. During the investigation, CSI responded and took charge of my Firearm and SFPD Range personnel issued me a replacement SFPD Firearm.
See SFPD Incident Report # 110-796-498.

2011 OCT -7 A 11:00
COMM. CONTROL



San Francisco Police Department
Forensic Services Division – Criminalistics Laboratory
[REDACTED] / [REDACTED]
Report of Laboratory Examination

Case Number 110-796-498
Laboratory Number 11-0587
Incident Date October 3, 2011
Requested By Inspector / Sergeant Martin #2153
Detail / Agency Homicide / SFPD
Complainant / Victim [REDACTED]
Suspect [REDACTED]
Report Date October 25, 2011



Certified Copy

Initials

3/2/12
Date

The following evidence was received in the Criminalistics Laboratory on October 20, 2011.

DESCRIPTION OF EVIDENCE

Bag 6 Ex. 6-8 One fired copper-jacketed bullet
Ex. 6-9 One apparent lead fragment
Bag 7 Ex. 7-4 One fired 40 Smith and Wesson caliber Winchester cartridge case
Bag 11 Ex. 11-1 One fired 12 gauge CTS shotshell
Bag 13 Ex. 13-1 One 40 Smith and Wesson caliber SigSauer Model P229 semiautomatic pistol,
serial number [REDACTED]
One magazine
Eleven 40 Smith and Wesson caliber Winchester cartridges
Bag 14 Ex. 14-1 One 12 gauge Remington Model 870 Wingmaster Magnum pump action
shotgun, serial number [REDACTED]
Eight unfired 12 gauge CTS shotshells

PURPOSE OF EXAMINATION

Standard firearms examination

RESULTS OF EXAMINATION

Bag 6 Ex. 6-8 The bullet was fired from the submitted Exhibit 13-1 SigSauer pistol.
The exhibit was determined to be of 40 caliber displaying rifling characteristics of six lands and grooves, right twist.
Ex. 6-9 The fragment does not display individual or class characteristics and was not examined further.
Bag 7 Ex. 7-4 The cartridge case was fired in the submitted Exhibit 13-1 SigSauer pistol.
Bag 11 Ex. 11-1 The shotshell was fired in the submitted Exhibit 14-1 Remington shotgun.
Bag 13 Ex. 13-1 The pistol was examined and found to be functional using the submitted magazine.
The trigger pulls were determined to be within manufacturer's specifications.
The cartridges were not examined further.

San Francisco Police Department
Forensic Services Division - Criminalistics Laboratory
Report of Laboratory Examination (Continued)

Bag 14 Bx. 14-1

The shotgun was examined and found to be functional.

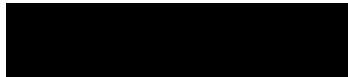
The trigger pulls were determined to be within manufacturer's specifications.

The shotshells were not examined further.

DISPOSITION OF EVIDENCE

The items will be returned to the property control division.

Examined By:



Mark Proia, Criminalist II
Firearm and Tool Mark Unit

CASE # 110796498	SAN FRANCISCO POLICE DEPARTMENT CRIME SCENE RESPONSE FORM					DATE/TIME RECEIVED 10/03/11 0745	
						DATE/TIME REQUESTED 10/03/11 ASAP	
	OFFENSE: 187	ARREST MADE <input type="checkbox"/>	REQ BY WONG	STAR 2005	UNIT 3G3A	N/R <input type="checkbox"/>	DATE/TIME /
	COMPLAINANT SFPD			PHONE		RUNDATE 10/03/11	ARRIVAL TIME 0840
	LOCATION OF RUN Funston St					CSO/STAR PUBILL #1284	
	REMARKS/INSTRUCTIONS Cole #1229, (PSA) Zuercher-Valdespino #4698					CSO/STAR GOMES #911	

PHOTOS: NO ☐ BY C.S.I. ☐ BY PHOTO LAB ☒ BY RESPONDING OFFICER ☐

LATENT FINGERPRINT PROCESSING RESULTS:

LATENT PRINTS DEVELOPED: YES ☐ NO ☐ N/A ☒ # OF LIFT CARDS _____ PROCESS USED: SEE 235E FORM

AFIS QUALITY? YES ☐ NO ☐ TBD ☐ AFIS ENTRY DATE: _____ N/A ☐ ID MADE: Y ☐ (SEE 235D) N ☐

UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y ☐ N ☐ TBD ☐ AS OF (date) _____ , _____ , _____

COMMENTS/ NOTES/ P.O.E.
Refer to scene report

CHECK ALL FORMS ATTACHED TO THIS REPORT:

<input checked="" type="checkbox"/> FIREARM INFORMATION REPORT (235A)	<input type="checkbox"/> BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
<input type="checkbox"/> GUNSHOT RESIDUE REPORT (235C)	<input type="checkbox"/> COMPARISON REQUEST & ID FORM (235D)
<input checked="" type="checkbox"/> EVIDENCE INVENTORY (235E)	<input type="checkbox"/> VEHICLE PROCESSING REPORT (235F)
<input checked="" type="checkbox"/> CRIME SCENE REPORT / NOTES	<input checked="" type="checkbox"/> CRIME SCENE DIAGRAM
<input type="checkbox"/> X & Y COORDINATES	<input type="checkbox"/> OTHER

(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN INITIAL C.S.I. REPORT)

INCIDENT NUMBER: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">110796498</div>		<div style="font-weight: bold; font-size: 1.1em;">SAN FRANCISCO POLICE DEPARTMENT</div> <div style="font-weight: bold; font-size: 1.1em;">C.S.I. EVIDENCE INVENTORY & PROCESSING</div> <div style="margin-top: 20px; font-weight: bold;">EVIDENCE PAGE 1 OF 7</div>
LOCATION: <div style="background-color: black; color: black;">██████████</div> Funston St	DATE: 10/03/11	
C.S.I.: Pubill/Gomes/Cole	STAR: 1284/1229	

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
1	(1)knife,wood handled,stainless,	north planter box IFO house,	1284	sb	n/a	n/a	10/04/11
x	"Butcher Shop",screw missing end of	marker #1 at scene	911	x	x	x	x
x	handle grip,red stained,11 1/2" length	x	974	x	x	x	x
x	6" blade length,debris on blade	x	1284	x	x	x	x
1a	(2)swabs red stain	handle of knife marked #1	1284	bf	n/a	n/a	10/04/11
1b	(2)swabs red stain	blade of knife marked #1	1284	bf	n/a	n/a	10/04/11
2	(1)"super sock" bean bag,red stained	hallway, marker #2 at scene	1284	bf	n/a	n/a	10/04/11
3	"super sock" cap/debris	hallway,marker #3 at scene	1284	b	n/a	n/a	10/04/11
4	(1)casing, Winchester 40 S&W	hallway,marker #4,at scene	1284	b	n/a	n/a	10/04/11
5	clothing, bloody	hallway,marker #5, at scene	1284	r	n/a	n/a	n/a
5a	(1)plastic wad, "super sock"	hallway,marker #5,at scene	1284	b	n/a	n/a	10/04/11
x	x	under released clothing	x	x	x	x	x

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

INCIDENT NUMBER: 110796498		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING EVIDENCE PAGE 2 OF 7
LOCATION: █ Funston St	DATE: 10/03/11	
C.S.I. Pubili/Gomes/Cole	STAR: 1284/1229	

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
6a	(1)brown, wooden handled, knife,	hallway floor at scene, on top	1284	sb	n/a	n/a	10/04/11
x	red stained, blade bent, stainless,	other knife marker #6 at scene	911	x	x	x	x
x	approx. 9" total length, 5" blade,	x	974	x	x	x	x
x	x	x	1284	x	x	x	x
6b	(2)swabs of red stain	blade of top bent knife, #6a	1284	bf	n/a	n/a	10/04/11
6c	(2)swabs of red stain	handle/grip top bent knife, #6a	1284	bf	n/a	n/a	10/04/11
6d	(1)brown, wooden handled knife	hallway floor at scene, bottom	1284	sb	n/a	n/a	10/04/11
x	red stained, stainless, 12" total,	knife, marker #6 at scene	911	x	x	x	x
x	8" blade		974	x	x	x	x
x	x		1284	x	x	x	x
6e	(2)swabs of red stain	blade of bottom knife, #6d	1284	bf	n/a	n/a	10/04/11
6f	(2)swabs of red stain	handle/grip bottom knife, #6d	1284	bf	n/a	n/a	10/04/11

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

INCIDENT NUMBER: 110796498		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING EVIDENCE PAGE 3 OF 7
LOCATION: █ Funston St	DATE: 10/03/11	
C.S.I. # Pubill/Gomes/Cole	STAR: 1284/1229	

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
7	(1)shotgun shell casing, "12 - 12"	s/w bedroom floor at doorway,	1284	b	n/a	n/a	10/04/11
x	(super sock)	marker #7 at scene	x	x	x	x	x
8	(1)bullet	larger bathroom floor at door	1284	b	n/a	n/a	10/04/11
x	x	kitchen flr,marker #8 at scen3	x	x	x	x	x
9a	(1)cutting board,wooden,red stained	kitchen sink counter,marker	1229	b	n/a	n/a	10/04/11
x	x	#9 at scene	1078	x	x	x	x
9b	(1)knife block with six(6)knives and	kitchen sink counter,marker	1229	b	n/a	n/a	10/04/11
x	knife sharpener,red stained	#9 at scene	1078	x	x	x	x
10	(1)metal fragment	kitchen floor at scene	1229	b	n/a	n/a	10/04/11
x	x	x	1284	x	x	x	x
11	(1)water control swab	lot:15-B0,exp:02/12 (knives	1284	bf	n/a	n/a	10/04/11
12	(11)appt/buisness cards	s/w bedroom dresser at door	1284	b	n/a	n/a	10/04/11

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

INCIDENT NUMBER: 110796498		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING EVIDENCE PAGE 4 OF 7
LOCATION: █ Funston St	DATE: 10/03/11	
C.S.I. # Pubill/Gomes/Cole	STAR: 1284/1229	

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
11	(1)cellphone,LG,AT&T,blk case	s/e bedroom on plastic case	1284	b	n/a	n/a	10/04/11
x	x)	along west wall	1078	x	x	x	x
12	(1)cellphone,Sony Erickson,green,in	s/w bedroom on couch,center of	1284	b	n/a	n/a	10/04/11
x	black leather case	room	1078	x	x	x	x
13	(1)cellphone,Nokia,AT&T,█	n/e bedroom, on dresser on	1284	b	n/a	n/a	10/04/11
x	red	west wall	1078	x	x	x	x
14	(1)Laptop,Acer	s/w bedroom s/w corner dresser	1284	b	n/a	n/a	10/04/11
x	ser#lus █	x	1078	x	x	x	x
15	(2)water control swabs	lot: 15-B0,exp:02/12 at scene	1229	bf	n/a	n/a	10/04/11
16	(2)red stain/(2)control swabs # A	sidewalk,northern most sample	1229	bf	n/a	n/a	10/04/11
17	(2)red stain/(2)control swabs # B	sidewalk, mid trail	1229	bf	n/a	n/a	10/04/11
18	(2)red stain/(2)control swabs # C	sidewalk, IFO █ Funston St	1229	bf	n/a	n/a	10/04/11

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

INCIDENT NUMBER: 110796498		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING EVIDENCE PAGE 5 OF 7
LOCATION: █ Funston St	DATE: 10/03/11	
C.S.I. Pubill/Gomes/Cole	STAR: 1284/1229	

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
19	(2)red stain/(2)control swabs # D	linoleum floor,inside doorway	1229	b/f	n/a	n/a	10/04/11
20	(2)red stain/(2)control swabs # E	south wall of staircase	1229	b/f	n/a	n/a	10/04/11
21	(2)red stain/(2)control swabs # F	exterior front door knob	1229	b/f	n/a	n/a	10/04/11
22	(2)red stain/(2)control swabs # G	white painted banister	1229	b/f	n/a	n/a	10/04/11
23	(2)red stain/(2)control swabs # H	pattern shape,hallway carpet	1229	b/f	n/a	n/a	10/04/11
24	(2)red stain/(2)control swabs # I	hallway floor, coagulated pool	1229	b/f	n/a	n/a	10/04/11
25	(2)red stain/(2)control swabs # J	hallway flr btwn kit/ 1/2 bath	1229	b/f	n/a	n/a	10/04/11
26	(2)red stain/(2)control swabs # K	south wall, hallway	1229	b/f	n/a	n/a	10/04/11
27	(2)red stain/(2)control swabs # L	west door frame to kitchen	1229	b/f	n/a	n/a	10/04/11
28	(2)red stain/(2)control swabs # M	1/2 bathroom floor	1229	b/f	n/a	n/a	10/04/11
29	(2)red stain/(2)control swabs # N	east door frame kitchen ent.	1229	b/f	n/a	n/a	10/04/11
30	(2)red stain/(2)control swabs # O	kitchen items	1229	b/f	n/a	n/a	10/04/11

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

SFPD 235E (08/08)

INCIDENT NUMBER: 110796498		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING EVIDENCE PAGE 6 OF 7
LOCATION: [REDACTED] Funston St	DATE: 10/03/11	
C.S.I. [Signature] Pubill/Gomes/Cole	STAR: 1284/1229	

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
31	(2)red stain/(2)control swabs # P	linoleum floor,kitchen sink rm	1229	b/f	n/a	n/a	10/04/11
32	(2)red stain/(2)control swabs #Q	kitchen sink rm, on counter	1229	b/f	n/a	n/a	10/04/11
33	(2)red stain/(2)control swabs # R	north hallway wall	1229	b/f	n/a	n/a	10/04/11
34	(2)red stain/(2)control swabs # S	south wall of hallway	1229	b/f	n/a	n/a	10/04/11
35	(2)red stain/(2)control swabs # T	east wall of hallway	1229	b/f	n/a	n/a	10/04/11
36	(8)house keys/(1)garage remote	keys from (s)wall hook in	1284	r	n/a	n/a	n/a
x	x	hallway by stairs. remote	x	x	x	x	x
x	x	from CA/ [REDACTED]	x	x	x	x	x

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

INCIDENT NUMBER: 110796498		SAN FRANCISCO POLICE DEPARTMENT C.S.I. EVIDENCE INVENTORY & PROCESSING EVIDENCE PAGE OF
LOCATION: [REDACTED] FUNSTON	DATE: 10/03/11	
C.S.I.: Pubill	STAR: 1284	

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)								
PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:								
ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED	

CHAIN OF CUSTODY					
ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME
5 ²	CLOTHING	Pubill #1284 Rec	[REDACTED] 115	10-3-11	1510
36	(8) KEYS / (1) REMOTE	CUNNINGHAM #378 Pubill #1284 Rec	[REDACTED] 397	10-3-11	1805

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CASE # 110 796 498	SAN FRANCISCO POLICE DEPARTMENT FIREARM INFORMATION REPORT					DATE / TIME RECEIVED 10/4/11 0700		
						DATE / TIME REQUESTED		
	OFFENSE 187 - OIS	ARREST MADE <input type="checkbox"/>	REQ BY SFPD	STAR	UNIT	N/R CARD LEFT <input type="checkbox"/>	DATE/TIME /	
	COMPLAINANT SFPD				PHONE		RUNDATE	ARRIVAL TIME
	LOCATION OF RUN HOJ					CSO / STAR NAJARRO #1078		<i>NAJARRO #1078</i>
REMARKS / INSTRUCTIONS Ofc Gomes #911 took custody of firearm from Ofc Ison #176					CSO / STAR GOMES #911			

REVOLVER <input type="checkbox"/>	PISTOL <input type="checkbox"/>	SHOTGUN <input checked="" type="checkbox"/>	RIFLE <input type="checkbox"/>	OTHER <input type="checkbox"/>
-----------------------------------	---------------------------------	---	--------------------------------	--------------------------------

FIREARM	MAKE: Remington	MODEL: Magnum, Wingmaster	SERIAL #: [REDACTED]
	CALIBER: 12 GA.	BARREL LENGTH: -----	FINISH: Black
	NOTES: Black finish with orange stock		

AMMO	HEADSTAMPS: ALL IDENTICAL <input checked="" type="checkbox"/> : 8 "12 * 12" VARIED <input type="checkbox"/> :
	NOTES:

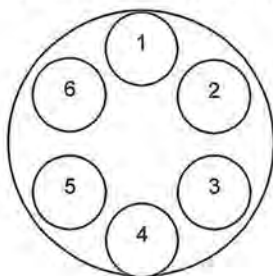
DNA	GRIPS PRESERVED: YES <input type="checkbox"/> BY # NO <input type="checkbox"/> UNK. <input checked="" type="checkbox"/> GRIPS SWABBED: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
	WATER LOT#: EXP. DATE: / SWABS BOOKED IN FREEZER: DATE: BY#

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☐ N ☐ N/A ☒ WEAPON COCKED? Y ☒ N ☐ SAFETY ON? Y ☒ N ☐ N/A ☐
UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☒ N/A ☐ LATENTS? Y ☐ N ☒
PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM: One shell in the chamber, safety on two shells in shotgun. Five shells in elastic shell holder	
strapped around stock of shotgun. Booked black plastic case with firearm and shells.	
ADDITIONAL FORMS ATTACHED: <input type="checkbox"/> CSI RESPONSE 235 <input type="checkbox"/> FIREARM REPORT 235A <input type="checkbox"/> EVIDENCE INVENTORY 235E <input type="checkbox"/> OTHER:	

REVOLVERS: ROTATION - CW ☐ CCW ☐



- 1: *
- 2: *
- 3: *
- 4: *
- 5: *
- 6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐
MAGAZINE: # OF CARTRIDGES: **2**
TOTAL CARTRIDGES: **3**

FIREARM & CONTENTS BOOKED ON: 10/5/11 BY # 1284

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San Francisco Police
Crime Scene Investigations Unit
Scene Observations/Notes



Case Number: 110796498

Location: [REDACTED] Funston St

Date: 10/03/11

Time: 0840

Officer: Pubill #1284

Purpose of Response:

On 10/03/11 at approximately 0745hr., Operations Center contacted Off. Gomes #911 in regards to an officer involved shooting at [REDACTED] Funston St. It was reported that several victims had been stabbed and responding officers had been involved in a shooting at this scene. Gomes notified myself along with Off. Cole #1229 and CPSA Zuercher-Valdespino #4698.

Scene Description:

Gomes, Cole, Zuercher, and I arrived on scene at 0840hr. The scene at [REDACTED] Funston St. was located on a residential block between Balboa and Cabrillo St.. There was yellow scene tape across the intersection of the south side of Balboa and Funston St. as well as midway between [REDACTED] Funston St. to Cabrillo St. The east side of Funston St. was made up of residences, were as, the west side of the street was completely filled with maintained vegetation.

A secondary yellow taped area was established around the front of the residence in question as well as the home to north of it which had house numbers of [REDACTED] and [REDACTED]. There were several marked police vehicles parked in front of the scene. Off. Hernandez #1608 was maintaining a crime scene log.

The residence of [REDACTED] Funston St. was a two story flat with the apartment entrances to the north and a garage entrance to the south. Three potted plants were staggered across the front of the property. The entrance to the building had a metal gate that was opened to a blood stained tiled floor. Two windowed doors were inside the metal gate. The north door numbered [REDACTED] was closed but the door numbered [REDACTED] was open and led immediately to an ascending stairway. From outside, blood was visible inside of the residence, in the entryway, with drops trailing on the sidewalk as far down as four residences to the north with house numbers of [REDACTED] and [REDACTED].

Observations:

We made contact with (3G104) Sgt. Gray #1304 who relayed that the victims of this incident had been transported to the hospital. Members of CSI and Gray placed foot booties on and Gray walked us through the scene. In front of [REDACTED] Funston St. was a red stained, wooden handled knife, with the blade end stuck downward in the dirt of the north

COPY

most planter. This planter was just to the north of the front metal gate on the sidewalk along with various rubber gloves and medical debris. As we entered the tiled front entrance just inside of the metal gate, the blood on the entryway tile was in a smear that led from the [REDACTED] unit toward the metal gate. The stairs and accompanying banister inside of the unit also had red stain. The interior carpeted, stairway at the top turned to the south and Gray pointed out various items of evidence at the top of the stairway and on the hallway floor. These items included various pieces from the Extended Range Impact Weapon round including the bean bag, cap, and shell. There was also a small pile of blood stained clothing and two knives. The two knives were sitting atop each other in a criss-cross fashion and the top knife blade was obviously bent. A cartridge casing in the hallway was pointed out by Gray and had been marked with an index card.

The long, narrow, carpeted, hallway ran from east to west in the unit and there were multiple entryways which led off of the hallway. At the top of the unit stairway was a much cluttered bedroom that was opposite and off to the south west. The west end of the hallway had a living room/office room with no outlet. The east end of the hallway was longer and a red linear blood smear stain on the carpet appeared to originate near an approximate mid point where a large pool of coagulated blood was. The linear smear seemed to run from the mid point east hallway to the west end of the hallway at the stairway opening. Also at the east hallway midpoint was blood spatter on both sides of the wall.

Where the approximate mid point of the east end hallway was, were two room openings. To the north of the approximate mid point was a small room with only a toilet. The seat was up and on the tiled floor was a large amount of blood and a yellowish, thick, looking liquid. A window was slightly opened a few inches in the toilet room. However, pins above the window allowed it to open approximately an inch further.

Opposite the toilet room and more to the east was a framed entry way that led to a kitchen area. The floor of the kitchen was linoleum and there was a red stained drip trail across the floor and into a small sink room to the west. The sink room had a cabinet with red stain on the face of the cabinet itself as well as various items on the top east side which included a butcher block with multiple knives. There was blood spatter on the east kitchen wall, ceiling, and items along that wall. The doorway to the kitchen had red stain spatter as well.

Near the end of the east side hallway was a full bathroom on the north side. At the foot of the tiled entry way of this bathroom was a bullet which had been marked by an index card.

Two bedrooms were at the east end of the hallway. The north rear bedroom was visible from the hallway unlike the south east bedroom. On the hallway side of the south east bedroom door were visible scuff mark and a pin on the inside of this door, which appears to have served as a latch, was bent in an upward direction.

COPY

A wall defect was located on the hallway wall opposite the full bathroom as well as a defect on the exterior door frame of the north east bedroom. Both of these possible bullet strike defects were documented and swabbed as possible evidence.

Evidence Collection:

Sgt. Kamita #1392 took photographs and Insp. Nakanishi #1072 took video of the scene. Off. Cole placed numbered markers on the items of evidence as well as alphabetical markers on items which she later swabbed. Off. Gomes took measurements and prepared a diagram of the scene. Off. Gomes also took notes for a blood stain/wall defect report. I took scene notes and along with Off. Cole collected the numbered evidence. I collected three cell phones at the request of Lt. Sainez that were located inside of the house. In the south west bedroom I also collected eleven business cards that were visible on a dresser just inside the bedroom door as well as a laptop computer. Off. Gomes took custody of an Extended Range Impact Weapon from Off. Ison #176. This was taken from inside the trunk of police vehicle #1260. All items seized were photographed prior to collection.

Off. Cole discovered a small metal fragment on the kitchen floor which was photographed and collected. An additional search for any other casings or slugs was conducted to no avail.

Upon leaving the scene we were unable to locate any keys for access to the front gate. We did however locate keys hanging on a wall hook in the hallway to the rear garage door access as well as vehicle keys. Inside of the garage was a Cadillac [REDACTED]. One key fit the Cadillac and a garage remote could be seen in a interior roof holder. Lt. Sainez was contacted regarding the situation and stated that we could retrieve the remote in an attempt to regain access. I collected the remote and discovered it in fact did open the garage door. I placed a coroner's seal on the front door which was locked and a coroner's seal on the rear stairwell door which was unlocked.

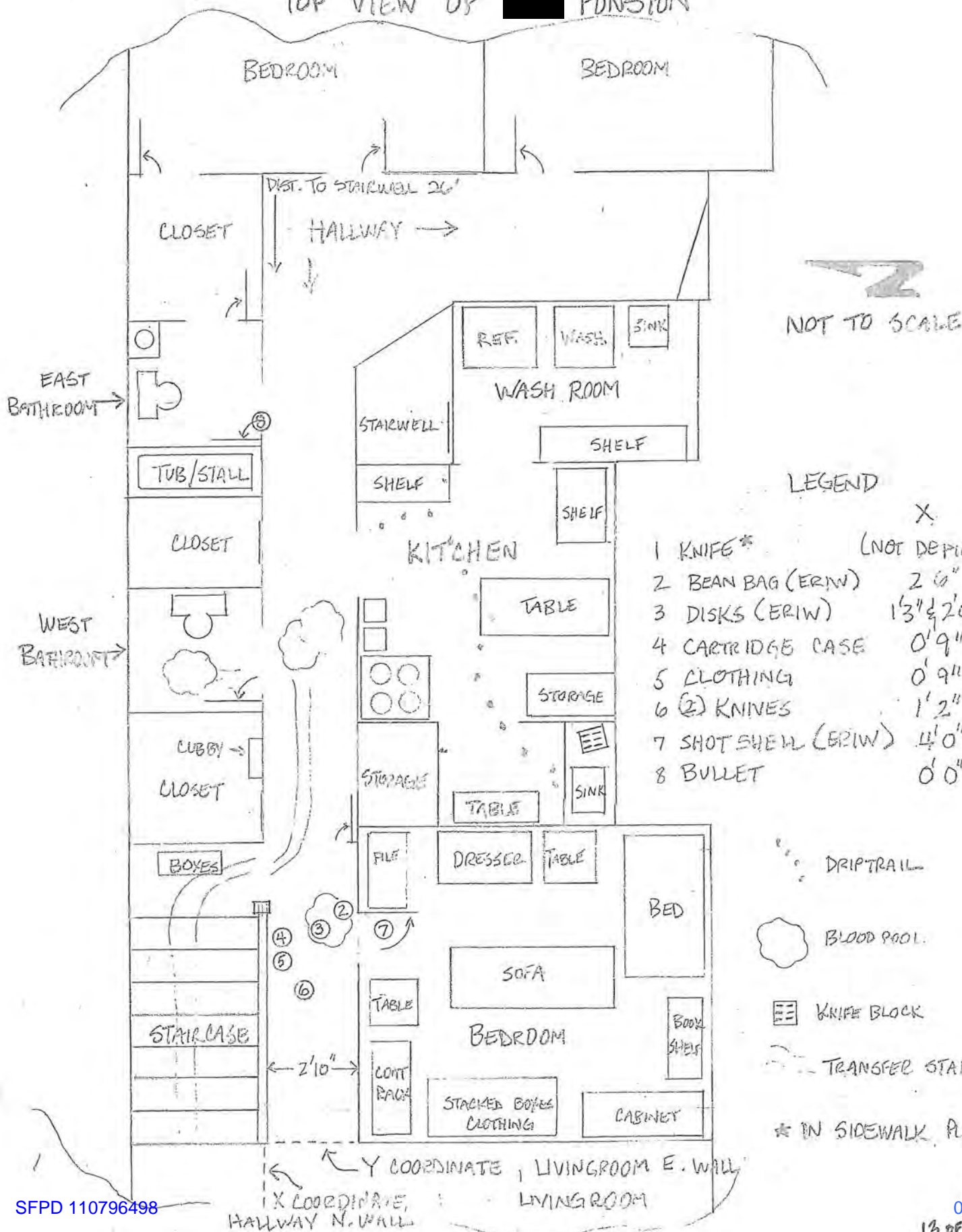
All items were transported back to CSI. The two knives marked item #6 at the scene were brought to photo lab for photographic images with preservation for DNA collection. The clothing collected at the scene, marker #5, was turned over to the coroner's office. Off. Cole packed all of the swabs collected at the scene and turned them over to me to book into evidence. All of the evidence was booked in at the HOJ.

PREPARED BY: T. GOMES # 11
SFPD CASE # 110 796 498

INCIDENT TYPE: OIS
INCIDENT DATE: 10/03/11

COPY

TOP VIEW OF [REDACTED] FUNSTON

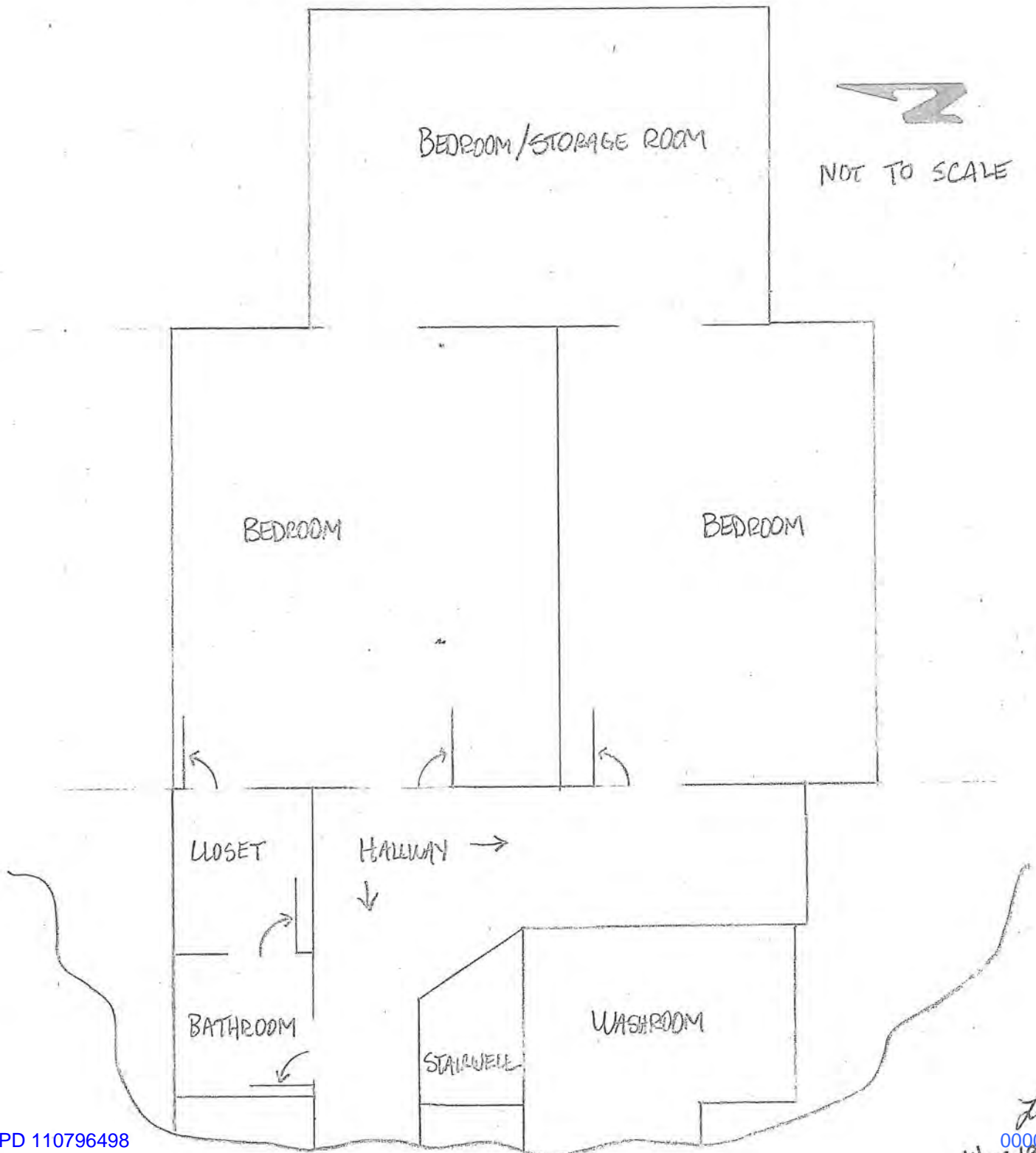


COPY

PREPARED BY: T. GOMES # 911
SFPD CASE # 110 796 498

INCIDENT TYPE: DIS
INCIDENT DATE: 10/03/11

TOP VIEW OF [REDACTED] FUNSTON,
EAST SIDE OF FLAT (FURNITURE NOT DEPICTED)

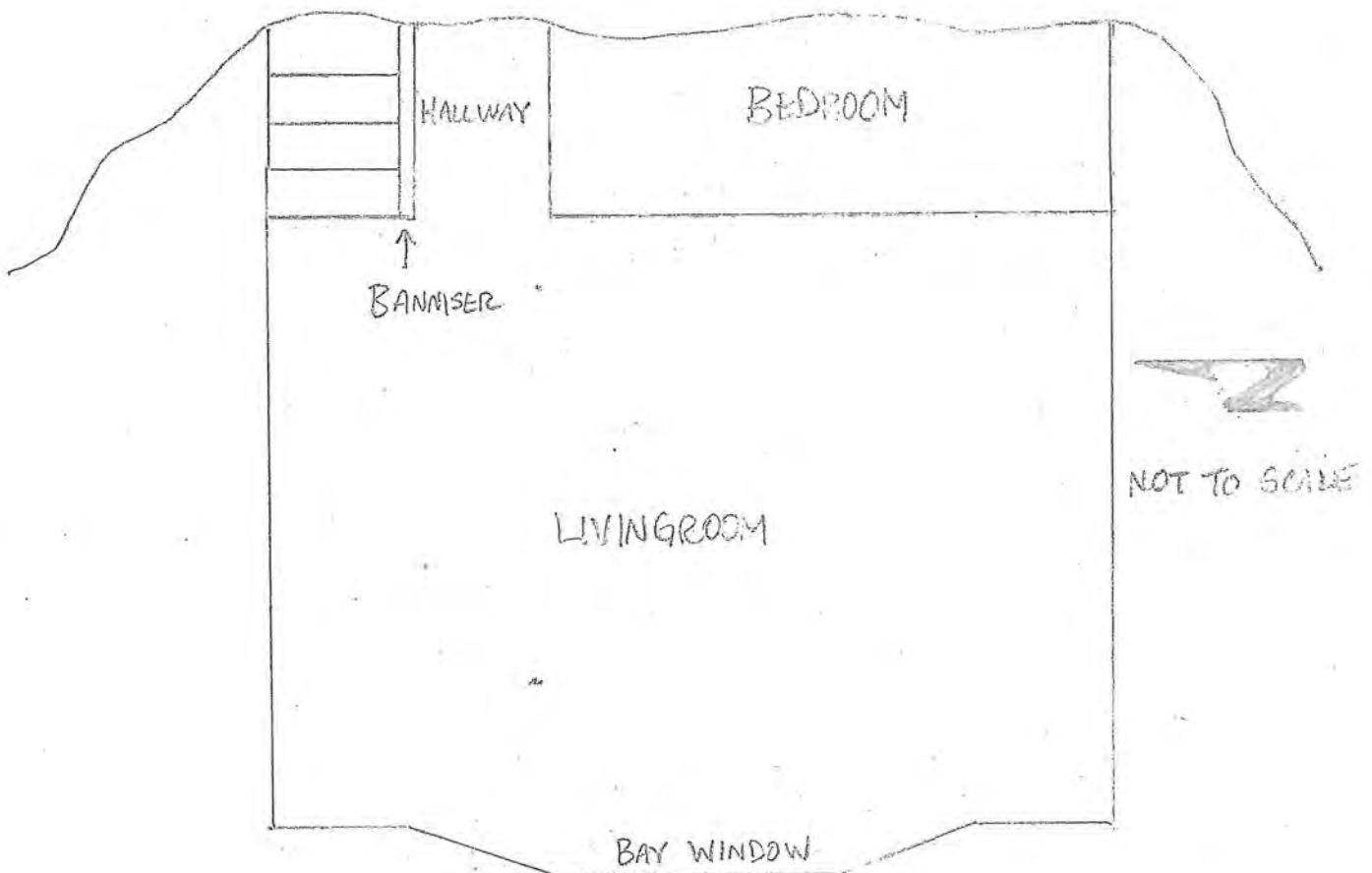


COPY

PREPARED BY: T. GOMES # 911
SFPD INCIDENT# 110 796 498

INCIDENT TYPE: OIS
INCIDENT DATE: 10/03/11

[REDACTED]
WEST SIDE OF FLAT (FURNITURE NOT DEPICTED)

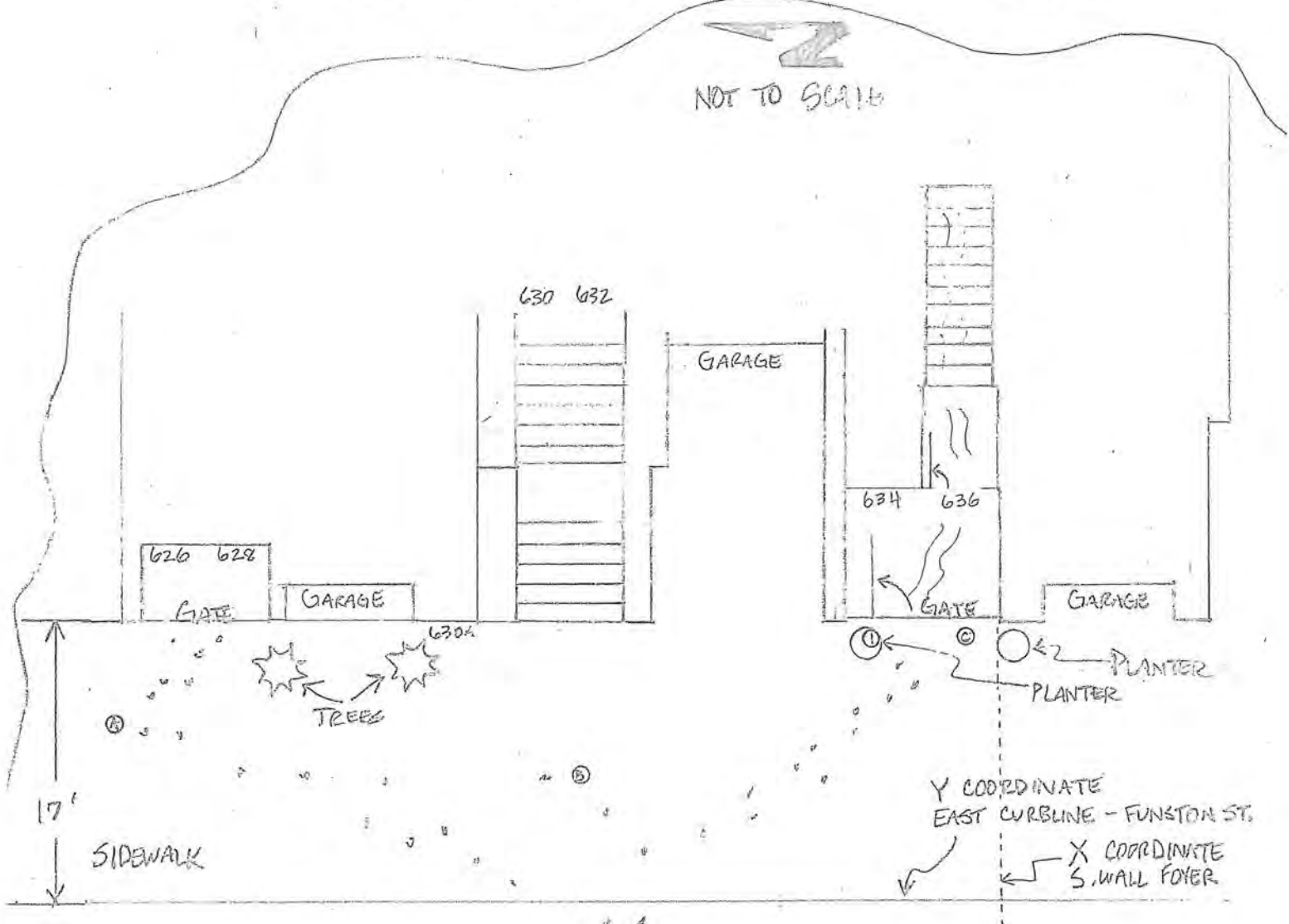


COPY

PREPARED BY: T. GONALVES # 211
SFPD # 110 796 498

INCIDENT TYPE: OTS
INCIDENT DATE: 10/05/11

TOP VIEW OF SIDEWALK AREA AT [REDACTED] FUNSTON



LEGEND

ITEM	X	Y	Z
I KNIFE	5'5"	16'8"	1'1"
A BLOOD SAMPLE	59'7"	7'2"	0'0"
B BLOOD SAMPLE	32'8"	16'4"	0'0"
C BLOOD SAMPLE	4'0"	6'8"	0'0"

DEPT. TRAIL

TRANSFER STAIRS

COPY

CASE # 110 796 498	SAN FRANCISCO POLICE DEPARTMENT FIREARM INFORMATION REPORT					DATE / TIME RECEIVED 10/03/11 13:50	
						DATE / TIME REQUESTED	
	OFFENSE OIS - 221	ARREST MADE <input type="checkbox"/>	REQ BY CUNNINGHAM	STAR 650	UNIT 5H	N/R CARD LEFT <input type="checkbox"/>	DATE/TIME /
	COMPLAINANT SFPD			PHONE		RUNDATE 10/03/11	ARRIVAL TIME 13:55
	LOCATION OF RUN HOMICIDE					CSO / STAR CUNNINGHAM #278	
REMARKS / INSTRUCTIONS REQUEST BY HOMICIDE TO COLLECT OFFICER'S WEAPON IN OIS.					CSO / STAR ROUEDE #974		

REVOLVER <input type="checkbox"/>	PISTOL <input checked="" type="checkbox"/>	SHOTGUN <input type="checkbox"/>	RIFLE <input type="checkbox"/>	OTHER <input type="checkbox"/>
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FIREARM	MAKE: SIG SAUER	MODEL: P229	SERIAL #: [REDACTED]
	CALIBER: 40	BARREL LENGTH: 4 INCHES	FINISH: BLK/BLK
	NOTES:		

AMMO	HEADSTAMPS: ALL IDENTICAL <input checked="" type="checkbox"/> : WINCHESTER 40 S&W VARIED <input type="checkbox"/> :
	NOTES:

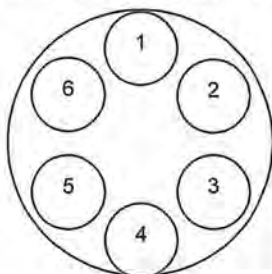
DNA	GRIPS PRESERVED: YES <input type="checkbox"/> BY #N/A NO <input type="checkbox"/> UNK. <input type="checkbox"/> GRIPS SWABBED: YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
	WATER LOT#: EXP. DATE: / SWABS BOOKED IN FREEZER: DATE: BY#

CHECK APPLICABLE BOXES:

MAGAZINE IN WEAPON? Y ☒ N ☐ N/A ☐ WEAPON COCKED? Y ☐ N ☒ SAFETY ON? Y ☐ N ☐ N/A ☒
UNLOADED PRIOR TO CSI? Y ☐ N ☒ N/A ☐ PROCESSED? Y ☐ N ☐ N/A ☒ LATENTS? Y ☐ N ☐
PROCESS METHOD: POWDER ☐ CYANOACRYLATE ☐ R6G ☐ OTHER:

NOTES / ADDITIONAL ITEMS BOOKED WITH FIREARM:	
SERVICE WEAPON, MAGAZINE & CARTRIDGES COLLECTED FROM OFF. HEPPLER #1726 - POA OFFICE-1430 HRS.	
RANGEMASTER, SHIHADDEH #1612 ON SCENE. MAGAZINES NOT W/OFFICER. PHOTOS TAKEN OF LISTED ITEMS.	
ADDITIONAL FORMS ATTACHED:	
<input type="checkbox"/> CSI RESPONSE 235 <input type="checkbox"/> FIREARM REPORT 235A <input type="checkbox"/> EVIDENCE INVENTORY 235E <input type="checkbox"/> OTHER:	

REVOLVERS: ROTATION - CW ☐ CCW ☐



1: *
2: *
3: *
4: *
5: *
6: *

MAGAZINE-FED WEAPONS:

CHAMBER: LOADED ☒ EMPTY ☐
MAGAZINE: # OF CARTRIDGES: 10
TOTAL CARTRIDGES: 11

FIREARM & CONTENTS BOOKED ON: 10/03/11 BY # 278

COPY

CASE # 110 796 498	SAN FRANCISCO POLICE DEPARTMENT CRIME SCENE RESPONSE FORM					DATE / TIME RECEIVED 10/3/11 1350		
						DATE / TIME REQUESTED		
	OFFENSE: 187 OIS"	ARREST MADE <input type="checkbox"/>	REQ BY CUNNINGHAM	STAR 650	UNIT 5L	N/R CARD LEFT <input type="checkbox"/>	DATE/TIME /	
	COMPLAINANT SFPD				PHONE		RUNDATE 10/3/11	ARRIVAL TIME 1355
	LOCATION OF RUN HOMICIDE					CSO / STAR CUNNINGHAM/278 5L23		
REMARKS / INSTRUCTIONS TOOK POSSESSION OF CLOTHING FROM INSP. CUNNINGHAM					CSO / STAR ROUEDE/974 5L55 <i>dfc</i>			

PHOTOS:	NO <input type="checkbox"/>	BY C.S.I. <input checked="" type="checkbox"/>	BY PHOTO LAB <input type="checkbox"/>	BY RESPONDING OFFICER <input type="checkbox"/>
---------	-----------------------------	---	---------------------------------------	--

LATENT FINGERPRINT PROCESSING RESULTS:			
LATENT PRINTS DEVELOPED: YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	# OF LIFT CARDS	PROCESS USED: SEE 235E FORM	
AFIS QUALITY? YES <input type="checkbox"/> NO <input type="checkbox"/> TBD <input type="checkbox"/>	AFIS ENTRY DATE:	N/A <input type="checkbox"/>	ID MADE: Y <input type="checkbox"/> (SEE 235D) N <input type="checkbox"/>
UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y <input type="checkbox"/> N <input type="checkbox"/> TBD <input type="checkbox"/>	AS OF (date) , ,		

COMMENTS/ NOTES/ P.O.E. RESPONDED TO HOMICIDE AND TOOK POSSESSION OF CLOTHING FROM INSP. CUNNINGHAM#650.

CHECK ALL FORMS ATTACHED TO THIS REPORT:	
<input type="checkbox"/> FIREARM INFORMATION REPORT (235A)	<input type="checkbox"/> BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
<input type="checkbox"/> GUNSHOT RESIDUE REPORT (235C)	<input type="checkbox"/> COMPARISON REQUEST & ID FORM (235D)
<input checked="" type="checkbox"/> EVIDENCE INVENTORY (235E)	<input type="checkbox"/> VEHICLE PROCESSING REPORT (235F)
<input type="checkbox"/> CRIME SCENE REPORT / NOTES	<input type="checkbox"/> CRIME SCENE DIAGRAM
<input type="checkbox"/> X & Y COORDINATES	<input type="checkbox"/> OTHER
(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN <u>INITIAL</u> C.S.I. REPORT)	

dfc

INCIDENT NUMBER: <div style="text-align: center; font-weight: bold; font-size: 1.2em;">110 796 498</div>		<div style="font-weight: bold; font-size: 1.1em;">SAN FRANCISCO POLICE DEPARTMENT</div> <div style="font-weight: bold; font-size: 1.1em;">C.S.I. EVIDENCE INVENTORY & PROCESSING</div> <div style="margin-top: 20px; font-weight: bold; font-size: 1.1em;">EVIDENCE PAGE 1 OF 1</div>
LOCATION: 850 Bryant St., Homicide	DATE: 10/3/11	
C.S.I.: Cunningham/278, Rouede/974	STAR: 974	

STATUS CODES: B BOOKED D DRYING P LATENT PROCESSING F FREEZER S SWAB R RELEASED (SEE BELOW)

PROCESS CODES: BP BLACK POWDER MP MAGNA POWDER N NINHYDRIN D DFO C CYANOACRYLATE R R6G SP STICKY PRINT OTHER:

ITEM #	DESCRIPTION	LOCATION FOUND	COLL. BY / REC FROM	INIT. STATUS	PROC. USED	LAT. +/-	DATE BOOKED
1	1 - Long sleeve light blu shirt	Homicide(Items 1-5 see below)	650	B/F	N/A	N/A	10/3/11
	"Offshore Panama '86" w blood	Worn by [REDACTED]	650	B/F	N/A	N/A	10/3/11
2	1-Sweats blk w blu drawstring w blood	Worn by [REDACTED]	650	B/F	N/A	N/A	10/3/11
3	1 - Tee shirt (white) size M w blood	Worn by [REDACTED]	650	B/F	N/A	N/A	10/3/11
4	1 - Sweater (blu) size M w blood	Worn by [REDACTED]	650	B/F	N/A	N/A	10/3/11
5	2 - grey socks "USA" w blood	Worn by [REDACTED]	650	B/F	N/A	N/A	10/3/11
6	2-Manilla Envelop which held Items 1-5	Homicide	650	B	N/A	N/A	10/3/11

CHAIN OF CUSTODY

ITEM #	DESCRIPTION	RELEASED BY	RECEIVED BY	DATE	TIME

COPY

CASE # 110 796 498	SAN FRANCISCO POLICE DEPARTMENT CRIME SCENE RESPONSE FORM					DATE / TIME RECEIVED 10/03/11 1900	
						DATE / TIME REQUESTED	
	OFFENSE: 187-OIS	ARREST MADE <input type="checkbox"/>	REQ BY CARRASCO	STAR 1599	UNIT 3G	N/R CARD LEFT <input type="checkbox"/>	DATE/TIME /
	COMPLAINANT SFPD			PHONE		RUNDATE 10/03/11	ARRIVAL TIME 19:25
	LOCATION OF RUN RICHMOND STATION					CSO / STAR CUNNINGHAM #278 <i>PC218</i>	
REMARKS / INSTRUCTIONS COLLECT OFFICER CARRASCO'S #1599 BLUE JEANS					CSO / STAR		

PHOTOS:	NO <input checked="" type="checkbox"/>	BY C.S.I. <input type="checkbox"/>	BY PHOTO LAB <input type="checkbox"/>	BY RESPONDING OFFICER <input type="checkbox"/>
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LATENT FINGERPRINT PROCESSING RESULTS:			
LATENT PRINTS DEVELOPED: YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	# OF LIFT CARDS	PROCESS USED: SEE 235E FORM	
AFIS QUALITY? YES <input type="checkbox"/> NO <input type="checkbox"/> TBD <input type="checkbox"/>	AFIS ENTRY DATE:	N/A <input type="checkbox"/>	ID MADE: Y <input type="checkbox"/> (SEE 235D) N <input type="checkbox"/>
UNIDENTIFIED USEABLE LATENTS REMAINING IN FILE? Y <input type="checkbox"/> N <input type="checkbox"/> TBD <input type="checkbox"/>	AS OF (date) , ,		

COMMENTS/ NOTES/ P.O.E. POSSIBLE VICTIM BLOOD OBSERVED ON FRONT OF RIGHT LEG AND REAR LEFT POCKET.

CHECK ALL FORMS ATTACHED TO THIS REPORT:	
<input type="checkbox"/> FIREARM INFORMATION REPORT (235A)	<input type="checkbox"/> BIOLOGICAL EVIDENCE COLLECTION REPORT (235B)
<input type="checkbox"/> GUNSHOT RESIDUE REPORT (235C)	<input type="checkbox"/> COMPARISON REQUEST & ID FORM (235D)
<input checked="" type="checkbox"/> EVIDENCE INVENTORY (235E)	<input type="checkbox"/> VEHICLE PROCESSING REPORT (235F)
<input type="checkbox"/> CRIME SCENE REPORT / NOTES	<input type="checkbox"/> CRIME SCENE DIAGRAM
<input type="checkbox"/> X & Y COORDINATES	<input type="checkbox"/> OTHER
(IF BOXES ARE NOT CHECKED, NO ADDITIONAL INFORMATION IN <u>INITIAL</u> C.S.I. REPORT)	

COPY

San Francisco Police
Crime Scene Investigations Unit
Bloodstain Pattern Report



Case Number: 110 796 498

Location: [REDACTED] Funston Street

Incident Date: 10/03/11

Prepared by Officer: T. Gomes

Introduction

On October 3, 2011 I responded to [REDACTED] Funston Street to investigate an officer involved shooting scene. I responded with crime scene investigators Officers Pubill 1284, Cole #1229 and Police Service Aide Zuercher-Valdespino #4698. We arrived at approximately 0840hrs and left at approximately at 1400hrs. My focus of the investigation was to map the scene, to provide a diagram of the scene and provide a bloodstain pattern examination and report. Officer Rouede #1974, assigned to the photographic unit, responded to the scene and provided photographic documentation related to the bloodstain patterns. The bloodstains that I will describe in this report are assumed to be composed of human blood and representative samples of the apparent blood were collected and preserved for possible future analysis to verify or deny my assumptions.

Upon arrival Sergeant Gray from Richmond Police Station gave us a briefing, walked us through the scene and pointed out the evidence. Sergeant Gray told us the following: There were originally three injured subjects at the scene. One was found in front of the house with cuts on [REDACTED] hand and/or arm. The second subject was found in the hallway with cuts/stab injuries and subsequently dragged by an officer down the hallway, down the staircase to the front of the house. The third subject was encountered by officers in the hallway. The third subject had cuts/stabs injuries and was holding a knife, [REDACTED] was engaged by police officers with an extended range impact weapon (ERIW) and a department issued semi-automatic pistol and had a possible gunshot wound(s). At the time of our arrival there were no injured subjects at the scene they had been transported to the hospital.

Scene Description

[REDACTED] Funston Street was the street address of the second floor residential unit of a two story two unit residential building. The first floor unit had the address of [REDACTED] Funston. The building was located approximately midway on the east side of the 600 block of Funston Street, bordered by Balboa and Cabrillo Streets on the north and south respectively. The east side of the 600 block consisted entirely of residential buildings situated in a row and a paved sidewalk and street in front of the buildings. The west side of the 600 block consisted of rows of trees and shrubs (void of buildings) and was the east side of Park Presidio Avenue.

A handwritten signature in black ink, appearing to be "T. Gomes", written over a horizontal line.

COPY

The front doors of [REDACTED] and [REDACTED] were side by side at the sidewalk level within a small foyer behind a lockable iron security gate. The front door of [REDACTED] was on the south side, behind it was a small landing and a flight of stairs leading to another small landing at the top. Adjacent to the top landing was a hallway approximately forty feet long aligned east-west with a carpeted floor. At the west end of the hallway was a living room that looked out to Funston Street and appeared to have been used as an office. On the south side of the hallway from west to east were respectively: a single bedroom and a kitchen. Within the kitchen on the east side was a small room that appeared to be used as a washroom and on the west side of the kitchen was another small room with a counter and a sink. On the north side of the hallway from west to east were respectively: a closet, a room with a toilet, a closet and a full bathroom. The full bathroom was connected to another closet to the east which was connected to a bedroom at the north-east side of the apartment. Next to the bedroom was another bedroom on the south-east side of the building. A small bedroom/storage room was at the east end of the residence and interconnected the two bedrooms.

Observations of the Bloodstain Patterns/Results

At the scene I made the several notations regarding bloodstains and the following is a summary of my observations and activities regarding labeling the stains. Representative samples of each of the labeled stains and defects were collected by Officer Cole.

* There was an apparent drip trail between [REDACTED] Funston and [REDACTED] Funston with a concentration of the drops in front of each residence. The drip trail, consisted of circular drops with spines on the edges, was located on the cement sidewalk and led to the street at mid-course. I labeled the drip trail on the sidewalk A, B and C.

* There was a large transfer stain on the floor of the landing at the bottom of the front staircase that I labeled D. The transfer stain appeared to correspond to the transfer stain on the staircase and the foyer. The transfer stain in the foyer indicated directional movement toward the exterior (outbound). Some of the drops were wiped in the outbound direction by the transfer (swipe) stain.

* There was a drip stain on the south wall of the staircase that I labeled E. The drip stain was below a transfer stain on the handrail.

* There was a transfer stain on the exterior door knob of the front door that I labeled F.

* There were transfer and drip stains on the white painted banister at the top of the staircase that I labeled G.

* There was a rectangular shaped transfer stain on the carpet in the hallway. It was just west of the top landing and located near a cartridge casing, shot shell evidence, clothing and two knives. I labeled the stain H.

* There was a large blood pool on the hallway carpeted floor, labeled I (near the stain labeled H).

* There was a large blood pool on the hallway carpeted floor, labeled J, approximately 15 feet east of the stain labeled I. There was a corresponding transfer stain that appeared to be a drag pattern in the westbound direction in the hallway down the staircase and terminating at the foyer.

COPY

* There was a drip stain with the drops moving in the seven o'clock direction at the time of deposition on the south hallway wall that I labeled K.

* There was a spatter pattern on the hallway side of the kitchen portal, labeled L, with drops moving in an upward direction above the pool labeled J. There was a corresponding spatter pattern, labeled N, on the east portal frame and the east wall of the kitchen with the same apparent converging location just above the level of the pool on the carpeted floor. There was another corresponding spatter pattern that I labeled R, with drops moving in an upward and eastward direction on the opposite wall in the hallway. The spatter pattern labeled R had a void pattern at a low level immediately east of the doorway of the single toilet room which can indicate the position of a subject at the time of the creation the spatter stains.

* There was a pool of blood, labeled M, with an amber color liquid mixed in on the tiled floor of the single toilet bathroom. The bathroom was just west of the pool labeled J.

* There were micro sized drops, labeled O, on the horizontal surfaces of the various items on the table that was located against the east kitchen wall just inside the kitchen portal.

* There was a drip trail, labeled P, on the linoleum kitchen floor from just inside the portal to the sink area.

* There were drops, labeled Q, on the plastic counter surface next to a knife block resting next to the kitchen sink.

* There was a small defect, labeled S, on the south wall in the hallway just east of the kitchen portal. It had a curved silver color metallic appearance and was possibly a skip mark made by a bullet impact. The surface of the defect was swabbed by Officer Cole for possible testing.

* There was a small irregular shaped defect, labeled T, on the east wall at the end of the hallway that was possibly a bullet impact defect. The surface of the defect was swabbed by Officer Cole for possible lead/copper testing.

Summary/Examination

The drip trail on the sidewalk appeared to have been from a single source moving at a modest speed and did not have any accompanying spatter or cast off stains to indicate a violent struggle occurring outside the residence. The presence of the drip trail can support the report of the bleeding subject found in front of the residence who walked between ■■■ Funston and ■■■ Funston.

The pooled stain on the carpeted floor hallway adjacent to the kitchen appeared to correspond to the drag marks (swipes) on the hallway floor, the staircase and the foyer. The dragged object evidently moved in the outbound direction away from the pool down the stairs and terminated in the foyer next to the sidewalk. Additionally, there were shoes, area carpets and a floor mat (located on the staircase and foyer) that appeared to have been moved in the outbound direction. The bloodstains and moved items can support the report of an officer dragging a subject from the hallway to the front of the house.

The spatter stains on the kitchen portal frame, the adjacent south wall in the hallway and the adjacent north wall in the hallway were indicative of a subject positioned at a low level north of the source of the spatter (indicated by the void pattern) and impacting a source of blood at a level less than a foot from the floor (a subject lying on the floor). The



COPY

stains labeled L and N appear to converge at an area above the pooled stain labeled J. The spatter on the south wall in the hallway and the adjacent wall in the kitchen was observed at a level almost reaching the ceiling which can indicate a high level of force used. The location of the source of spatter stains was above the pooled stain in the hallway that also appeared to correspond to the drag marks which can indicate that the source of the upward travelling spatter stain was also the source of the pooled stain and drag marks.

The patterns of the drops on the walls of the hallway, the banister in the hallway, the handrails and walls in the staircase, and the foyer can be indicative of a bleeding subject (possibly bleeding from the area of the left hand or arm) moving outbound along the path from the hallway to the foyer and the front of the residence transferring and dripping blood along the way.

The drip trail on the kitchen floor was indicative of a bleeding source moving between the knife block at the kitchen sink and the kitchen portal. The drops on the kitchen floor were approximately circular which can indicate slow movement by the source. There was no spatter or cast off stains in the parts of kitchen where the drip trail was found which can indicate that a struggle did not occur in those parts of the kitchen.

The pooled stain in the hallway floor next to the stairwell can indicate a stationary source. The transfer stains in the shape of a rectangle was possibly the impression of a knife handle. Two kitchen type knives were found nearby the rectangular shaped stain one of which possibly contributed to the rectangular shaped stain. The stains could support the report of a bleeding subject lying on the carpeted floor next to the stairwell in close proximity to two knives and a semiautomatic pistol discharge as well as an ERIW shotgun discharge. There were no spatter or castoff stains in that area.

The defect on the south hallway wall marked S, east of the kitchen portal, was possibly a bullet strike and can be better defined by testing the swabbed samples for the presence of lead and/or copper (if needed). A bullet was found on the floor at the threshold of the bathroom and hallway. The cause of the defect on the east wall at the end of the hallway marked T could also be better defined (if needed) by testing for lead and/or copper.

Evidence Collected

Two samples of each apparent blood stain marked A through R were collected by swabs in addition to two samples of the (surface of) possible bullet defects on the walls marked S and T. All the samples were packaged at the Hall of Justice and labeled for freezer storage and transferred to the Property Control Division for storage and possible future examinations.





Case# 2011-1001

MEDICAL EXAMINER'S REGISTER

CITY AND COUNTY OF SAN FRANCISCO - RECORD OF DEATH

Name: [REDACTED]

Alias:

ADDRESS: [REDACTED] Funston Ave San Francisco Ca 94118

DATE OF DEATH: 10/03/2011 TIME: 9:34 AM REPORTED BY: Dr. Knudsen SFGH

DATE OF REPORT 10/03/2011 TIME: 10:03 AM REPORTED PHONE: [REDACTED]

PLACE OF DEATH: SFGH ZIP:

TYPE OF CASE: PC 187 DATE AND TIME OF INCIDENT: 10/03/2011 7:30 AM

PLACE OF INCIDENT: [REDACTED] Funston Ave ZIP: 94118

NEXT OF KIN: DATE NOTIFIED 10/03/2011

BIRTHDATE: [REDACTED] AGE: [REDACTED] SS# SEX: [REDACTED] RACE [REDACTED]

RECEIVED AT MEDICAL EXAMINER: TIME:

RELEASED TO: [REDACTED] FUNERAL DIRECTOR

RELEASED DATE: 10/12/2011 TIME: 15:35

RECEIVED BY: CLOTHING RECEIVED: NO

RELEASE SIGNED BY RELATIONSHIP: [REDACTED]

POUCH: HOSP RESIDENCE SEALED: NO

PROPERTY LISTING	INITIALS	EVIDENCE LISTING	INITIALS
		2 Specimen Containers	()

VERIFIED BY: WPA DATE: 10/5/2011

PUBLIC ADMINISTRATOR:

DATE NOTIFIED:

PLACED IN BOX #: RECEIVED AMOUNT: CHECK#:

RECEIVED BY: RELATIONSHIP: DATE/TIME:

RECEIVED BY: RELATIONSHIP: DATE/TIME:

BODY SEARCHED BY: Hospital Staff AT: SFGH

PREMISES SEARCHED BY: Not AT:

PREMISES SEALED BY: Not DATE:

EXAMINATION: PERFORMED BY: HAPPY M.D.

EVIDENCE DISPOSITION:

INVESTIGATORS: Justin Cozad CAMERON MULLINS #118

APPROVED COPY

[Signature] 10/17/2012

Case#: 2011-1001
Name: [REDACTED] alias: [REDACTED]

Police Notified Yes

Police_Office: Richmond
Police_Officer: Wong #2005

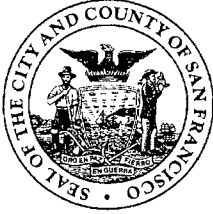
Police_At_Scene: Yes
Officer: CSI Cole #1229
Station: Richmond
SFPD_Case#: 110-796-498

Homicide_Office: Yes
Homicide Officer: Cunningham
Notification Date:
Notification Time:

AIB_or_HR_Notified:
Date:
AIB_Officer:
Nature:

Fingerprints_Taken: YES Palprints_Taken: YES

Taken_By: JW
Taken Date: 10/06/2011
To_SFPD_Date: 02/07/2012 Match: Match#: NRNS
To_CII_Date: Match: Match#:
To_FBI_Date: Match: Match#:
Photos_Date: 10/03/2011 Taken_By: J COZAD



Case#: 2011-1001

MEDICAL EXAMINER / INVESTIGATOR'S REPORT

CITY AND COUNTY OF SAN FRANCISCO - RECORD OF DEATH

NAME: [REDACTED] Date/Time of Death: 10/03/2011 9:34 AM

PLACE OF DEATH SFGH

Age: [REDACTED] Sex: [REDACTED] Ht: [REDACTED] Wt: [REDACTED]

Race: [REDACTED]

POLICE NOTIFIED

POLICE STATION NOTIFIED

POLICE OFFICER

Yes

Richmond

Wong #2005

HOMICIDE NOTIFIED

DATE

TIME

HOMICIDE OFFICER

Yes

Cunningham

MARITAL STATUS:

IDENTIFIED BY:

AT:

DATE:

FINGERPRINTS TAKEN

PALMPRINTS

PRINTS TAKEN BY

DATE

YES

YES

JW

10/06/2011

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

PHOTOS DATE: 10/03/2011

[REDACTED]

[REDACTED]:

TAKEN BY: J COZAD

POLICE AT SCENE

AT SCENE OFFICER

POLICE STATION

Yes

CSI Cole #1229

Richmond

SFPD CASE#: 110-796-498

AIB or HR NOTIFIED:

AIB DATE:

AIB OFFICER:

NATURE:

CASE HISTORY

The subject, a [REDACTED] year old [REDACTED], resided at [REDACTED] Funston Ave. where the incident occurred. The subject was in some manner a victim of multiple stab wounds. The subject was transported to the San Francisco General Hospital (SFGH), where [REDACTED] died in the emergency department from the injuries sustained.

According to information received from San Francisco Police, SFGH medical records and family of the victim, on 10/3/2011 at approximately 0720 hours, Police and Emergency Medical Services were notified of an apparent stabbing victim in front of [REDACTED] Funston Ave. The victim, who is the [REDACTED] of the deceased, stated [REDACTED] had stabbed [REDACTED] with a knife and was currently in the residence with [REDACTED]. Police found the [REDACTED] standing in the upstairs hallway with a knife in [REDACTED] hand. The subject was lying in the hallway bleeding from [REDACTED] body. Officers fired several rounds at the [REDACTED]. During the altercation, the subject was removed in some manner from the residence. Emergency Medical Services emergently transported the subject to SFGH Emergency Department, arriving at 0816 hours. The subject's care was transferred to hospital staff and after a brief evaluation, emergency resuscitation efforts were attempted, death was pronounced at 0934 hours. This office was notified at 1003 hours, same date.

Investigator Mullins and I were met in front of the residence by CSI Cole #1229. Investigation at the scene revealed numerous droplets of blood on the front entry way of the residence. The stairs, immediately entering the residence, had blood droplets on the steps. At the top of the stairs were



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copious amounts of blood about the railing, floor, walls, ceiling and kitchen area. Several shell casing's were located on the floor, as well as a less-than-lethal projectile.

At the hospital the subject was found lying supine on a morgue tray enshrouded in a pouch. The remains were cool to the touch with rigor mortis absent. Multiple stab-like wounds were noted to the upper torso, neck and arms. Gunshot residue samples were obtained and the hands were placed in new paper bags. The subject was transferred to the Office of the Chief Medical Examiner for further examination. The remains were sealed in a pouch, with pouch seal number 01650 attached.

INVESTIGATOR: Justin Cozad

CAMERON MULLINS #118

Case#: 2011-1001

Status: CLOSED

Name: [REDACTED] alias: [REDACTED]

Date: 02/08/2012

Time: 9:37

Contact_Person: [REDACTED]

Contact_Phone: [REDACTED]

Comments:

[REDACTED]

Investigator: THOMAS MCDONALD #110

Date: 03/30/2012

Time: 8:57

Contact_Person: [REDACTED]

Contact_Phone: [REDACTED]

Comments:

58 digital images reviewed. CD placed into Dr. Happy's box.

Investigator: TAMY CHAN

Case No.	2011-1001	Status	CLOSED
Officer		Officer	
Charge	Homicide	Date	10/07/2011
Weapon	Sharp Injury	Date	10/16/2012
Autopsy	AUTOPSY		
Happy	HAPPY		
Date	10/15/2012		
Cause of Death: STAB WOUNDS OF HEAD, NECK AND TORSO			
<div>Detail Report</div>			
Attach Picture	View Photo	View Report	Print Report

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Office of the Chief Medical Examiner
Medical Division

Case No. 2011-1001

Name: [REDACTED]

Date & Time of Necropsy: **October 5, 2011 0945 Hours**

Age: [REDACTED] Height: [REDACTED] Weight: [REDACTED].

PRELIMINARY EXAMINATION: The body is received in a sealed (seal #01650), white plastic pouch, which is opened on October 5, 2011 at 0945 for autopsy examination and is identified by a Medical Examiner's label affixed to the left great toe and hospital labels on the right great toe and left wrist. When first viewed, the decedent is unclad and accompanied by a sealed, clear plastic bag labeled GUNSHOT RESIDUE (GSR) KIT, containing two gunshot residue collection devices found in the white plastic pouch. No other clothing or personal effects are received.

EXTERNAL EXAMINATION: The body is of a well developed, well nourished, adult [REDACTED] whose appearance is consistent with the reported age of [REDACTED] years. The body is cold (refrigerated). Rigor mortis is marked and symmetric. Fixed, red livor mortis extends over the posterior surfaces of the body, except in areas exposed to pressure.

The face is described below under, "**EVIDENCE OF INJURY**". The head is atraumatic, symmetric, and normocephalic. The scalp is described below under, "**EVIDENCE OF INJURY**". The [REDACTED] scalp hair measures approximately 2-1/2 inches in length over the crown. The eyelids are atraumatic, intact, and unremarkable. The irides are brown and the corneas are clouded. The sclerae and conjunctivae are remarkable for bilateral, moderate to marked numbers of red, pinpoint, tightly spaced petechial hemorrhages on the bilateral sclerae and conjunctivae. There are also numerous cutaneous petechiae on the periorbital skin, anterior neck, upper chest and arms extending to the level of the nipples. The nose and right ear are described below under, "**EVIDENCE OF INJURY**". The left ear is not unusual. The irregularly absent upper teeth are natural and in adequate condition. The lower jaw is edentulous, without dentures in place.

The neck is described below under, "**EVIDENCE OF INJURY**". The trachea is palpable and midline. The thorax is well developed and symmetrical. The abdomen is flat. The anus is unremarkable and back is described below under, "**EVIDENCE OF INJURY**". The breasts are well developed, without palpable masses. The genitalia are those of a normal adult [REDACTED]. The upper and lower extremities are well developed and symmetrical, without absence of digits. There is no clubbing or edema.

EVIDENCE OF MEDICAL THERAPY: There are five electrocardiogram patches on the bilateral, mid-, and lower left chest. There is one electrocardiogram patch on the lower right abdomen. There are defibrillator pads on the left chest and lateral left abdomen. There is an endotracheal tube in place. There is an intravenous catheter in the lower left neck. There are chest tubes entering the pleural cavities through 1 inch stitched incisions in the left and right lateral chest. There is an inflatable blood pressure cuff surrounding the upper right arm. There are intravenous catheters in the right antecubital fossa and the ventral right wrist. There

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is a pulse oximeter on the right third (middle) finger. There is an intravenous catheter in the left inguinal fossa. There is a Foley catheter and a temperature probe in the urethral meatus. There is an intraosseous catheter inserted into the left anterior shin. There is a pulse oximeter on the left third (middle) finger.

TATTOOS AND SCARS: There are bilateral, dark brown [REDACTED] There is a vertically oriented, 6-3/4 inch, well-healed linear scar on the lateral left hip.

EVIDENCE OF INJURY: There are sharp force injuries of the head, neck, torso and left upper extremity. These are described by body region and labeled "A" through "X" for descriptive purposes only; no sequence of injuries is implied. The directions are stated with reference to the standard anatomical planes with the body measured in the horizontal position.

There are also blunt force injuries of the head, torso and upper extremities which will be described after the sharp force injuries.

SHARP FORCE INJURIES OF HEAD AND NECK:

A) STAB WOUND OF LEFT TEMPLE:

A stab wound of the left temple of the head is centered 3-1/8 inch from the top of the head and 3-3/4 inch left of the anterior midline. It is oriented diagonally with a sharp angle directed superior posterior and a 1/16 inch blunt end directed inferior and anterior. It is 1-1/4 inches long on the surface of the skin. After perforating the skin and soft tissues of the left temple the knife perforated the petrous portion of the left temporal bone, perforated the pole of the left temporal lobe of the brain and proceeded into the left Sylvian fissure, where it damaged several branches of the left middle cerebral artery. Associated with the wound track are approximately 15 ml of liquid and clotted, dark red subdural hemorrhage and diffuse, dark red, thin (0.1 cm) subarachnoid hemorrhage present over the bilateral cerebral convexities and especially prominent over the superior and inferior surfaces of the left temporal lobe of the brain. The direction of penetration is left to right, front to back and downward. The estimated depth of penetration is approximately 3-1/2 inches.

B) STAB WOUND OF THE UPPER LEFT NECK:

A stab wound of the upper left neck is centered 8 inches from the top of the head and 3-1/2 inches left of the posterior midline. It is oriented horizontally with a sharp angle directed anteriorly and a 1/16 inch blunt end directed posteriorly. It is 1 inch long on the surface of the skin. After perforating the skin of the upper left neck the knife proceeded into the soft tissue of the left neck. The direction of penetration is slightly left to right, front to back and downward. The estimated depth of penetration is approximately 1-1/2 to 2 inches. No major blood vessels or nerves were injured.

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C) STAB WOUND OF RIGHT EAR:

A stab wound of the right ear is located 6-1/2 inches from the top of the head and 4-1/2 inches right of the posterior midline. It is oriented vertically with a sharp angle directed inferiorly and a 1/16 inch blunt end directed superiorly. It is 1 inch long on the surface of the skin. After perforating the right antihelix (inner portion) of the earlobe the knife proceeded into the soft tissue of the upper right neck. The direction of penetration is slightly right to left, front to back and downward. The estimated depth of penetration is approximately 3-1/4 inches. No major blood vessels or nerves were injured.

D) STAB WOUND OF UPPER RIGHT NECK:

A stab wound of the upper right neck is centered 6-1/2 inches from the top of the head and 4-1/2 inches right of the posterior midline. It is oriented diagonally with a sharp angle directed to the inferior anterior and a 1/16 inch blunt end directed superior posterior. It is 1-1/4 inches long on the surface of the skin. After perforating the skin of the upper right neck the knife proceeded into the underlying soft tissue. The direction of penetration is slightly right to left, front to back and downward. The estimated depth of penetration is approximately 3-1/4 inches. Small branches of the right carotid artery are injured and a 5 x 4 x approximately 2 inch area of soft tissue hemorrhage surrounds the wound track. No major blood vessels or nerves were injured.

E) STAB WOUNDS (4) OF INFERIOR RIGHT OCCIPITAL SCALP:

A closely spaced cluster of four stab wounds is centered 5-1/2 to 6-1/2 inches from the top of the head and 1 to 2-1/4 inches right of the posterior midline on the lower right occipital scalp. They are oriented approximately vertically and have sharp angles directed inferiorly and 1/16 inch blunt ends directed superiorly. They measure from 3/4 to 1-1/4 inches long on the surface of the skin. The wound tracks of these stab wounds penetrate into the underlying soft tissue but do not injure any major blood vessels or nerves. The directions of penetration are slightly left to right, back to front and downward. The estimated depth of penetration for these wounds is from 2-1/4 to 3-1/4 inches deep.

F) STAB WOUND OF INFERIOR MID- OCCIPITAL SCALP:

A stab wound of the inferior mid-occipital scalp is centered 7-1/4 inch from the top of the head in the posterior midline. It is oriented diagonally with a sharp angle directed to the upper right and a 1/16 inch blunt edge directed to the lower left. It is 1 inch long on the surface of the skin. After perforating the skin of the occipital scalp the knife proceeded into the underlying soft tissue. The direction of penetration is slightly

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left to right, back to front and downward. No major blood vessels or nerves were injured. The estimated depth of penetration is approximately 2-1/2 inches.

G) STAB WOUND OF THE INFERIOR LEFT OCCIPITAL SCALP:

A stab wound of the inferior left occipital scalp is centered 6-1/4 inches from the top of the head and 3/4 inch left of the posterior midline. It is oriented at an approximate 45 degree angle. It is 1 inch long on the surface of the skin. After perforating the skin of the scalp the knife penetrated the underlying soft tissue. The direction of penetration is back to front, slightly right to left and downward. The estimated depth of penetration is approximately 3 inches.

H) STAB WOUND OF RIGHT OCCIPITAL SCALP:

A stab wound of the right occipital scalp is located 5-1/4 inches from the top of the head and 1-1/4 inches right of the posterior midline. It is oriented vertically with a angle. It is 5/8 of an inch long on the surface of the skin. After perforating the skin of the scalp the knife penetrated into the underlying soft tissue. The direction of penetration is back to front, slightly right to left and downward. The estimated depth of penetration is approximately 1/4 inch.

I) INCISED WOUND OF RIGHT OCCIPITAL SCALP:

There is an incised wound of the right occipital scalp located 5-1/2 inches from the top of the head and 2 inches right of the posterior midline. It is oriented at an approximate 45 degree angle and is 5/8 inch long on the surface of the skin. The estimated depth of penetration is approximately 1/4 inch. This incised wound did not injure any major nerves or arteries.

J) INCISED WOUND OF INFERIOR LEFT OCCIPITAL SCALP:

There is a 1 inch incised wound of the inferior left occipital scalp which is oriented horizontally and does not injure any major blood vessels or nerves. It is approximately 1/4 inch deep.

SHARP FORCE INJURIES OF TORSO:

K) STAB WOUND OF UPPER RIGHT BACK:

A stab wound of the upper right back is located 8-1/2 inches from the top of the head and 1 inch right of the posterior midline. It is oriented diagonally. It is 1/2 inch long on the surface of the skin. After perforating the skin of the upper right back the knife perforated the underlying soft tissue. The direction of penetration is back to front, right to left, and downward. The estimated depth of penetration is approximately 1/2 inch deep.

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L) STAB WOUND OF UPPER RIGHT BACK:

A stab wound of the upper right back is located 11-1/2 inches from the top of head and 1-1/2 inches right of the posterior midline. It is oriented horizontally with a sharp angle directed to the left and a 1/16 inch blunt edge directed to the right. It is 5/8 inch long on the surface of the skin. After perforating the skin of the upper right back, the knife penetrated into the underlying soft tissue. No major blood vessels or nerves were injured along the knife track. Direction of penetration is back to front, right to left, and downward. The estimated depth of penetration is approximately 3/4 inch.

M) STAB WOUND OF UPPER RIGHT BACK:

A stab wound of the upper right back is located 9-3/4 inches from the top of the head and 1-1/2 inch right of the posterior midline. It is oriented vertically. It is 1 inch long on the surface of the skin. After penetrating the skin of the upper right back the knife penetrated the underlying soft tissue. The direction of penetration is back to front, right to left and downward. The estimated depth of penetration is approximately 4 inches.

N) STAB WOUND OF UPPER LATERAL RIGHT BACK:

A stab wound of the upper lateral right back is located 9 inches from the top of the head and 4-1/4 inches right of the posterior midline. It is oriented vertically with a sharp angle directed inferiorly and a 1/16 inch blunt edge directed superiorly. It is 1-1/8 inch long on the surface of the skin. After penetrating the skin of the upper lateral right back the knife penetrated the underlying soft tissue. No major blood vessels or nerves were injured. The direction of penetration is back to front, right to left and downward. The estimated depth of penetration is 1-1/2 inches deep.

O) STAB WOUND OF UPPER RIGHT BACK:

A stab wound of the upper right back is centered 10 inches from the top of the head and 3-3/4 inches right of the posterior midline. It is oriented at an approximate 45 degree angle, with a sharp angle directed to the upper left and a 1/16 inch blunt edge directed to the lower right. It is 1/2 inch long on the surface of the skin. After perforating the skin of the upper right back the knife penetrated the underlying soft tissue. No major blood vessels or nerves were injured. The direction of penetration is back to front, right to left and downward. The estimated depth of penetration is approximately 1-1/2 inches.

P) STAB WOUND OF UPPER RIGHT BACK:

A stab wound of the upper right back is located 11-1/2 inches from the top of the head and 4-1/4 inches right of the posterior midline. It is oriented at an approximately 45 degree angle with a sharp angle directed to the upper left and a 1/16 inch blunt edge

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directed to the lower right. It is 1/2 inch long on the surface of the skin. After perforating the skin of the upper right back the knife penetrated the underlying soft tissue. The direction of penetration is back to front, right to left and downward. The estimated depth of penetration is approximately 1-1/4 inch deep.

Q) STAB WOUND OF UPPER LEFT BACK:

A stab wound of the upper left back is centered 8-1/2 inches from the top of the head and 2 inches left of the posterior midline. It is oriented horizontally with a sharp angle directed to the right and a 1/16 inch blunt edge directed to the left. It is 3/4 inch long on the surface of the skin. After penetrating the skin and soft tissue of the upper left back the knife penetrated the underlying soft tissue. The direction of penetration is back to front, right to left and downward. The estimated depth of penetration is approximately 1/2 inch deep.

R) STAB WOUNDS (8) OF UPPER LEFT BACK:

A cluster of eight stab wounds is located from 10-1/2 inches from the top of the head to 15-1/2 inches from the top of the head; and from 7-3/4 inches left of the posterior midline to 2-1/2 inches left of the posterior midline. Five of these stab wounds are oriented horizontally and three are oriented diagonally. They range from 5/8 inch to 1-3/4 inch long on the surface of the skin. After perforating the skin of the upper left back these stab wounds penetrated the underlying soft tissue. No major blood vessels or nerves were injured along the knife track. The directions of penetration are back to front, right to left and downward. The estimated depths of penetration range from 1 to 4-3/4 inches deep.

S) INCISED WOUND OF MID UPPER BACK:

A 1/2 inch incised wound of the mid upper back is 1/2 inch long on the surface of the skin and approximately 1/4 inch deep. This incised wound did not injure any major blood vessels or nerves.

T) INCISED SOUND OF UPPER MID-BACK:

A 1/4 inch incised wound of the upper mid-back is oriented at an approximately 45 degree angle and is approximately 1/8 inch deep. It did not injure any major blood vessels or nerves.

SHARP FORCE INJURIES OF LEFT UPPER EXTREMITY:

U) STAB WOUND OF LEFT SHOULDER:

A stab wound of the anterior left shoulder is centered 1 inch from the top of the left shoulder. It is oriented vertically with a sharp angle directed inferiorly and a 1/16 inch blunt edge directed superiorly. It is 1-1/2 inches long on the surface of the skin. After perforating the skin of the anterior left shoulder the knife penetrated the underlying soft tissue. No major blood vessels or nerves were injured. The direction

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of penetration is front to back, right to left and downward. The estimated depth of penetration is 1 inch.

V) STAB WOUND OF ANTERIOR LEFT SHOULDER:

A stab wound of the anterior left shoulder is centered 1 inch from the top of the left shoulder. It is oriented vertically with a sharp angle directed inferiorly and a 1/16 inch blunt edge directed superiorly. It is 1 inch long on the surface of the skin. After penetrating the skin of the anterior left shoulder the knife penetrated the underlying soft tissue. No major blood vessels or nerves were injured. The direction of penetration is front to back, right to left and downward. The estimated depth of penetration is 3/4 of an inch.

W) STAB WOUND OR LATERAL LEFT ARM:

A stab wound of the lateral left arm is located 4-1/4 inches from the top of the left shoulder. It is oriented at an approximate 45 degree angle with a sharp edge directed to the lower right and a 1/16 inch blunt edge directed to the upper left. It is 1-1/2 inch long on the surface of the skin. After perforating the skin of the lateral left arm the knife penetrated the underlying soft tissue. No major blood vessels or nerves were injured. The direction of penetration is front to back, right to left and downward. The estimated depth of penetration is 1 inch.

X) STAB WOUND OF LATERAL LEFT ARM:

A stab wound of the lateral left arm is located 5 inches from the top of the left shoulder. It is 1-1/4 inch long on the surface of the skin. After penetrating the skin of the lateral left arm the knife penetrated into the underlying soft tissue. No major blood vessels or nerves were injured. The direction of penetration is front to back, right to left and downward. The estimated depth of penetration is 3/4 inch.

BLUNT FORCE INJURIES OF HEAD:

There is a 1-1/2 by 1 inch abraded purple contusion on the mid forehead. There is a 3/4 x 1/2 inch red contusion on the bridge of the nose. There is a 1/4 x 1/2 inch purple contusion on the inner mucosa of the mid lower lip. There is a 5/8 x 1/4 inch red abrasion just lateral to the right eyebrow.

BLUNT FORCE INJURIES OF TORSO:

There is a 3 x 2-1/2 red and purple contusion of the lateral lower left chest.

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BLUNT FORCE INJURIES OF UPPER EXTREMITIES:

There are three, 1/4 inch purple contusions on the anterior upper right arm (biceps). There is a 1/2 inch purple contusion on the anterior upper right arm (biceps). There is a 1-1/4 x 3/4 inch purple contusion on the medial mid- right arm. There is a 1/4 inch red contusion on the ventral right forearm. There is a 1/2 inch red contusion on the ventral right wrist. There is a 1 inch red contusion on the dorsal right hand. There is a 3 x 1-1/8 inch purple contusion on the anterior upper left arm (biceps). There is a 1 x 3/4 inch purple contusion on the ventral left mid arm (antecubital fossa). There is a 1-1/2 x 1 inch red contusion on the ventral lateral left wrist. There is a 1 inch purple contusion on the ventral left thenar prominence of the thumb. There is a 2-1/2 x 1-1/4 inch purple contusion on the upper posterior left arm (triceps). There are two, 1/2 inch purple contusions on the medial dorsal upper left arm. There is a 2 x 1-1/2 inch purple contusion on the medial dorsal upper left arm. There is a 2 x 1-1/4 inch purple contusion on the lateral upper left arm. There is a 2-1/4 x 1 inch purple contusion just above the left elbow.

These injuries, having been described above, will not be repeated.

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INTERNAL EXAMINATION: The body is opened in the usual manner with a U-shaped incision. No adhesions or abnormal collections of fluid are in any of the body cavities except as noted above. All body organs are in normal and anatomic position. The serous surfaces are smooth and glistening.

HEAD AND CENTRAL NERVOUS SYSTEM: Reflection of the scalp shows the usual scattered reflection petechiae. The brain weighs 1,250 grams. The dura mater and falx cerebri are unremarkable and the leptomeninges are thin and delicate, except as described above. The cerebral hemispheres are symmetrical. The structures at the base of the brain, including cranial nerves and blood vessels, are free of abnormality.

Sections through the cerebral hemispheres reveal no lesions within the cortex, subcortical white matter or deep parenchyma of either hemisphere. The cerebral ventricles are of normal caliber. Sections through the brainstem and cerebellum are unremarkable. The first portion of the spinal cord, viewed through the foramen magnum, is unremarkable.

NECK: The neck is dissected after the thoracoabdominal and cranial contents are removed. Examination of the soft tissues of the neck, including large vessels and strap muscles, reveals no abnormalities except as noted above. The superficial and deep muscles of the neck are firm, red-brown, intact, and unremarkable. The hyoid bone and larynx are intact. The tongue is normal.

CARDIOVASCULAR SYSTEM: The heart weighs 280 grams. The epicardial surfaces are smooth, glistening, and unremarkable. The coronary arteries arise normally and follow the distribution of a left predominant pattern: with approximately 10% atherosclerotic stenosis of the proximal right and approximately 25% atherosclerotic stenosis of the mid left anterior descending coronary arteries. The chambers and valves bear the usual size/position relationship, are morphologically normal and are unremarkable. The valves are free of vegetations. The myocardium is dark red-brown, firm, and unremarkable. The atrial and ventricular septa are intact and the septum and free walls are free of muscular bulges. There is no focal or regional fibrosis, erythema, pallor or softening. The left ventricle measures 1.3 cm and the right ventricle measures 0.2 cm in thickness as measured 1 cm below the respective atrioventricular valve annuli. The interventricular septum measures 1.1 cm in thickness. The aorta and its major branches arise normally and follow the usual course with slight atherosclerosis above the level of the renal arteries and moderate atherosclerosis below the level of the renal arteries. The orifices of the major aortic vascular branches are patent. The vena cava and its major tributaries return to the heart in the usual distribution and are unremarkable.

RESPIRATORY SYSTEM: The right and left lungs weigh 760 and 690 grams, respectively. The upper and lower airways are patent and the mucosal surfaces are smooth, yellow-tan, and unremarkable. The pleural surfaces are smooth, glistening, and unremarkable.

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The pulmonary parenchyma is dark red-brown, and the cut surface exudes moderate amounts of blood and frothy fluid. There is moderate black anthracotic pigment throughout the lung parenchyma and in the perihilar lymph nodes. There are no masses, hemorrhages, consolidations, obstructions or destructive emphysema. The pulmonary arteries are normally developed and patent. There is no saddle embolus on *in situ* examination of the pulmonary trunk.

HEPATOBIILIARY SYSTEM: The liver weighs 1050 grams. The hepatic capsule is intact, smooth and glistening, covering dark red-brown parenchyma. The gallbladder contains approximately 5 ml of dark green viscid bile without stones. The extrahepatic biliary tree appears to be patent.

HEMATOPOIETIC SYSTEM: The spleen weighs 50 grams and has a smooth intact capsule covering red-purple, moderately firm parenchyma. The splenic white pulp is grossly unremarkable. The regional lymph nodes appear normal. The bone marrow (rib) is red-purple.

ENDOCRINE SYSTEM: The pituitary gland is intact, normally developed, and is unremarkable without laceration, hemorrhage, or mass lesion. The thyroid gland is symmetric and unremarkable with a firm, red-brown, granular parenchyma and no cyst, hemorrhage, fibrosis, or mass lesion. The adrenal glands are normally situated and have soft, yellow cortices and soft, grey-brown medullae. The pancreas has a soft, tan parenchyma with a normal lobular architecture and no saponification, pseudocyst, neoplasm, fibrosis, hemorrhage, or mineralization.

GASTROINTESTINAL SYSTEM: The esophagus is lined by gray-white smooth mucosa. The gastric mucosa is arranged in the usual rugal folds, and the lumen contains approximately 80 ml of nondescript dark brown fluid. There are no pill fragments or foreign bodies identified. The small and large bowels are unremarkable. The appendix is present and unremarkable. The colon contains brownish-green semiformal stool.

GENITOURINARY SYSTEM: The right and left kidneys weigh 140 and 130 grams, respectively. The renal capsules are smooth, thin, semitransparent, and strip with ease from the underlying, moderately to markedly granular red-brown firm cortical surfaces. The cortices are of normal thickness and well-delineated from the medullary pyramids. The calyces, pelves, and ureters are unremarkable. The urinary bladder is empty. The mucosa is gray-tan and smooth. The uterus, cervix, fallopian tubes, ovaries, and vagina are unremarkable for age. The breast tissue is atrophic with predominantly adipose tissue.

MUSCULOSKELETAL SYSTEM: The skeleton is well developed and without deformity or osteoporosis. The vertebrae, clavicles, sternum, ribs, and pelvis are without fracture. The

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supporting musculature and soft tissues are not unusual. The firm, red-brown muscles are well hydrated and free of focal lesions. The cervical spinal column is stable on internal palpation.

DIAGNOSES:

- I. SHARP FORCE INJURIES OF HEAD AND NECK, WITH:
 - A. STAB WOUNDS (11) AND INCISED WOUNDS (2) OF HEAD AND NECK, WITH:
 - 1. PERFORATIONS OF LEFT TEMPORAL BONE, LEFT TEMPORAL LOBE OF THE BRAIN AND LEFT MIDDLE CEREBRAL ARTERY, WITH:
 - a. SUBDURAL (APPROXIMATELY 15 ML) AND DIFFUSE SUBARACHNOID HEMORRHAGES
 - b. PERFORATION OF SMALL BRANCHES OF RIGHT CAROTID ARTERY WITH ADJACENT SOFT TISSUE HEMORRHAGE
- II. SHARP FORCE INJURIES OF TORSO, WITH:
 - A. STAB WOUNDS (15) AND INCISED WOUNDS (2) OF UPPER BACK, WITH:
 - 1. PENETRATIONS OF UNDERLYING SOFT TISSUE
- III. STAB WOUNDS OF UPPER LEFT EXTREMITY, WITH:
 - A. STAB WOUNDS OF LEFT SHOULDER (2) AND UPPER LEFT ARM (2), WITH:
 - 1. PENETRATIONS OF UNDERLYING SOFT TISSUE
- IV. BLUNT FORCE INJURIES OF HEAD, WITH:
 - A. ABRASION AND CONTUSIONS
- V. BLUNT FORCE INJURIES OF TORSO AND UPPER EXTREMITIES, WITH:
 - A. CONTUSIONS, MINOR
- VI. ATHEROSCLEROTIC AND HYPERTENSIVE CARDIOVASCULAR DISEASE, WITH:
 - A. SLIGHT ATHEROSCLEROTIC STENOSIS OF THE RIGHT AND LEFT ANTERIOR DESCENDING CORONARY ARTERIES
 - B. SLIGHT TO MODERATE ATHEROSCLEROTIC STENOSIS OF THE AORTA
 - C. CHANGES CONSISTENT WITH MODERATE TO MARKED ARTERIOLAR NEPHROSCLEROSIS

CITY AND COUNTY OF SAN FRANCISCO

Office of the Chief Medical Examiner

Medical Division

Case No. 2011-1001

Name: [REDACTED]

Date & Time of Necropsy: **October 5, 2011 0945 Hours**

Spec. to Pathology:

Portions of all major organs are fixed in formalin and retained.

Spec. to Histology:

1. Heart.
2. Lungs.
3. Liver.
4. Kidney.
5. Brain.

Spec. to Toxicology:

Peripheral blood, heart blood, bile, brain, gastric contents, liver tissue and vitreous fluid.

Radiographs:

Five radiographs of the head, neck, chest, abdomen and upper extremities are made and retained. They show no foreign bodies or other bony abnormality.

Physicians Present:

V..J. Azar, M.D., E.G. Moffatt, M.D., Judy Melinek, M.D.

Forensic Techs:

J. Wedrychowski, K. MacFerren and E. Prendel

Photographer:

Christopher B. Happy, M.D., Assistant Medical Examiner, San Francisco Medical Examiner's Office.

Evidence:

The following are collected and retained as evidence: The Medical Examiner's seal, the brown paper bags from around the hands and wrists, the fingernails of the right and left hands, the nail clipper, and gunshot residue from the right and left hands.

A.P. Hart, M.D.
V.J. Azar, M.D.
E.G. Moffatt, M.D.
J. Melinek, M.D.
C.B. Happy, M.D.

PMT:CBH

[REDACTED] 10/15/12
Christopher B. Happy, M.D.
Assistant Medical Examiner

**CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CHIEF MEDICAL EXAMINER
Medical Division**

Name: [REDACTED]

Case No: 2011-1001

MICROSCOPIC DESCRIPTION

CENTRAL NERVOUS SYSTEM: Normal cortical architecture of the brain without infarct or hemorrhage. Sections of the hippocampi and cerebral cortex are microscopically unremarkable.

HEART: Sections show the epicardium, myocardium and endocardium are without inflammation. The myocardium shows normal myocytes with slightly increased interstitial and perivascular fibrosis. No other microscopic pathologic changes are identified.

LUNGS: Sections show normal pulmonary parenchyma with slight peribronchial chronic inflammation is present. There is moderate to marked amounts of amorphous eosinophilic intra-alveolar fluid consistent with edema fluid. No other pathologic microscopic abnormalities are identified.

LIVER: Sections show normal hepatic parenchyma, sinusoids and vasculature. There is minimal micro- and macro- steatosis.

KIDNEYS: Sections show normal glomerular and tubular architecture. There are rare sclerotic glomeruli. There is slight medial hypertrophy of the small arteries and arterioles.

MICROSCOPIC FINDINGS:

- I. MICROSCOPIC CHANGES CONSISTENT WITH HYPERTENSIVE
CARDIOVASCULAR DISEASE.

CAUSE OF DEATH: STAB WOUNDS OF HEAD, NECK AND TORSO

MANNER OF DEATH: HOMICIDE

[REDACTED] 10/15/12
Christopher B. Happy, M.D.
Assistant Medical Examiner

A.P. Hart, M.D. *CH*
V.J. Azar, M.D.
C. Happy, M.D.
J. Melinek, M.D.
E.G. Moffatt, M.D.

CBH/PMT



FORENSIC LABORATORY DIVISION

TOXICOLOGY REPORT

Name: [REDACTED]
Case No: 2011-1001T

Date of Submission: 10/11/2011 M. E.: CH
Date of Report: 01/03/2012

ANALYTICAL RESULTS:

<u>SPECIMEN TYPE</u>	<u>COMPOUND</u>	<u>RESULT</u>
Blood (AM ¹)	[REDACTED]	[REDACTED]

COMMENTS

¹Blood (AM): 10/03/2011; 0750 hrs.
Report prepared by PK. PK

[REDACTED]
Nikolas P. Lemos, Ph.D., FRSC, D-ABFT
Director & Chief Forensic Toxicologist

ANALYTICAL PROTOCOL:

Specimens submitted were subjected to Analytical Panels A, B and C. Analytical Panel A detects and quantifies ethanol, methanol, isopropanol and acetone and may also detect other volatile compounds which would require additional analyses their confirmation and/or quantitation. Analytical Panel B detects, confirms and/or quantifies Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine, Fentanyl, Methadone, Phencyclidine (PCP), Opiates/Opioids and Tricyclic Antidepressants. Analytical Panel C detects, confirms and/or quantifies over one hundred drugs and metabolites. Please contact the Forensic Laboratory Division if you have questions regarding specific substances.



Case# 2011-1002
MEDICAL EXAMINER'S REGISTER

CITY AND COUNTY OF SAN FRANCISCO - RECORD OF DEATH

Name: [REDACTED]

Alias:

ADDRESS: [REDACTED] Funston Ave San Francisco Ca 94118

DATE OF DEATH: 10/03/2011 TIME: 10:00 AM REPORTED BY: Dr. Xu SFGH

DATE OF REPORT 10/03/2011 TIME: 10:30 AM REPORTED PHONE: [REDACTED]

PLACE OF DEATH: SFGH ZIP:

TYPE OF CASE: PC 187 DATE AND TIME OF INCIDENT: 10/03/2011 7:30 AM

PLACE OF INCIDENT: Residence ZIP: 94118

NEXT OF KIN: DATE NOTIFIED 10/03/2011

BIRTHDATE [REDACTED] SS# SEX: [REDACTED] RACE [REDACTED]

RECEIVED AT MEDICAL EXAMINER: TIME:

RELEASED TO: [REDACTED] FUNERAL DIRECTOR

RELEASED DATE: 10/12/2011 TIME: 15:35

RECEIVED BY: CLOTHING RECEIVED: NO

RELEASE SIGNED BY RELATIONSHIP: [REDACTED]

POUCH: HOSP RESIDENCE SEALED: No

PROPERTY LISTING	INITIALS	EVIDENCE LISTING	INITIALS
		2 Specimen Containers	()

VERIFIED BY: WPA DATE: 10/5/2011

PUBLIC ADMINISTRATOR:

DATE NOTIFIED:

PLACED IN BOX #: RECEIVED AMOUNT: CHECK#:

RECEIVED BY: RELATIONSHIP: DATE/TIME:

RECEIVED BY: RELATIONSHIP: DATE/TIME:

BODY SEARCHED BY: Hospital Staff AT: SFGH

PREMISES SEARCHED BY: Not AT:

PREMISES SEALED BY: Not DATE:

EXAMINATION: PERFORMED BY: AZAR M.D.

EVIDENCE DISPOSITION:

INVESTIGATORS: Justin Cozad CAMERON MULLINS #118

APPROVED COPY
WPA 10/5/2012

Case#: 2011-1002 Status: CLOSED
Name: [REDACTED] alias: [REDACTED]

Police Notified Yes

Police_Office: Richmond
Police_Officer: Wong #2005

Police_At_Scene: Yes
Officer: CSI Cole #1229
Station: Richmond
SFPD_Case#: 110-796-498

Homicide_Office: Yes
Homicide Officer: Cunningham
Notification Date:
Notification Time:

AIB_or_HR_Notified:
Date:
AIB_Officer:
Nature:

Fingerprints_Taken: YES Palmprints_Taken: YES
Taken_By: EP
Taken Date: 10/12/2011

[REDACTED]
Photos_Date: 10/03/2011 Taken_By: JC



Case#: 2011-1002

MEDICAL EXAMINER / INVESTIGATOR'S REPORT

CITY AND COUNTY OF SAN FRANCISCO - RECORD OF DEATH

NAME: [REDACTED] Date/Time of Death: 10/03/2011 10:00 AM
PLACE OF DEATH SFGH Age: [REDACTED] Sex: [REDACTED]
Race: [REDACTED]
POLICE NOTIFIED POLICE STATION NOTIFIED POLICE OFFICER
Yes Richmond Wong #2005
HOMICIDE NOTIFIED DATE TIME HOMICIDE OFFICER
Yes Cunningham
MARITAL STATUS: [REDACTED]
IDENTIFIED BY: [REDACTED] AT: DATE: 10/03/2011
FINGERPRINTS TAKEN PALMPRINTS PRINTS TAKEN BY DATE
YES YES EP 10/12/2011
TO SFPD DATE: TO CII DATE:
SFPD MATCH: SFPD MATCH#: NRNS CII MATCH: CII MATCH#:
TO FBI DATE: PHOTOS DATE: 10/03/2011
FBI MATCH: FBI MATCH#: TAKEN BY: JC
POLICE AT SCENE AT SCENE OFFICER POLICE STATION
Yes CSI Cole #1229 Richmond
SFPD CASE#: 110-796-498
AIB or HR NOTIFIED: AIB DATE:
AIB OFFICER: NATURE:

CASE HISTORY

The subject, a [REDACTED] year old [REDACTED], resided at [REDACTED] Funston Ave. where the incident occurred. The subject was in some manner shot by San Francisco Police during an altercation. The subject was transported to the San Francisco General Hospital (SFGH), where [REDACTED] died in the emergency department from the injuries sustained.

According to information received from San Francisco Police (SFPD), SFGH medical records and the family. On 10/3/2011 at approximately 0720 hours, Police and Emergency Medical Services were notified of an apparent stabbing victim in front of [REDACTED] Funston Ave. The victim, who is the [REDACTED] of the deceased subject, stated [REDACTED] had stabbed [REDACTED] with a knife and was currently in the residence with [REDACTED]. The [REDACTED] also stated that the subject had [REDACTED] issues. Police entered the residence and found the subject standing in the upstairs hallway with a knife in [REDACTED] hand. The subject's [REDACTED] was lying in the hallway bleeding from [REDACTED] body. The subject in some manner was shot by San Francisco Police. Officers fired one less than lethal projectile and several rounds at the subject. During the altercation, the subject's [REDACTED] was removed from the residence. SFPD secured the subject at the scene, emergency medical services entered the residence and administered aid to the subject. Emergency Medical Services emergently transported the subject to SFGH Emergency Department, arriving at 0809 hours. The subject's care was transferred to hospital staff and after a brief evaluation, emergency resuscitation efforts were preformed to no avail, death was pronounced at 1000 hours. This office



Case#: 2011-1002

MEDICAL EXAMINER / INVESTIGATOR'S REPORT

CITY AND COUNTY OF SAN FRANCISCO - RECORD OF DEATH

was notified at 1030 hours, same date.

Investigator Mullins and I were met in front of the residence by CSI Cole #1229. Investigation at the scene revealed numerous droplets of blood on the front entry way of the residence. The stairs, immediately entering the residence, had blood droplets on the steps. At the top of the stairs were copious amounts of blood about the railing, floor, walls, ceiling and kitchen area. Several shell casing's were located on the floor, as well as a less-than-lethal projectile.

At the hospital the subject was found lying supine on a morgue tray enshrouded in a pouch. The remains were cool to the touch with rigor mortis absent. Multiple stab-like wounds were noted to the upper torso and left wrist. There was a circular puncture about the subject's torso, consistent with a round from a firearm. Gunshot residue samples were obtained and the hands were placed in new paper bags. The remains were sealed in a pouch, with pouch seal number 01422 attached. The subject was transferred to the Office of the Chief Medical Examiner for further examination.

Addendum (VJA): SFGH records show [REDACTED] was found screaming in the hallways of [REDACTED] residence and taken by ambulance to St. Marys and then to SFGH, where [REDACTED] was admitted to [REDACTED] from June 6 to 23, 2004. [REDACTED] was initially described as [REDACTED]

[REDACTED] following one week [REDACTED] had been [REDACTED] since [REDACTED] 20s and was receiving outpatient treatment since 2001. [REDACTED] denied using drugs and said [REDACTED] drank alcohol minimally. According to a progress note from 6/9/04 [REDACTED] at PES, and [REDACTED] relayed concern that [REDACTED] was aggressive and a serious threat to family members, relaying that [REDACTED] had grabbed [REDACTED] hand in the kitchen, which had "many sharpen knives in the area". [REDACTED] was [REDACTED], and the staff were very concerned that [REDACTED] was going to harm someone because of [REDACTED] acute level of [REDACTED]

[REDACTED] was described as having the [REDACTED] due to [REDACTED]. Eventually stabilized with treatment, which included encouragement to take [REDACTED] medications, [REDACTED] was discharged home on [REDACTED]. Outpatient records dated 4/1/10 from [REDACTED] show [REDACTED] was diagnosed with [REDACTED]. At that time [REDACTED] was described as having moderate symptom severity [REDACTED] to still have [REDACTED]

[REDACTED] Treatment included [REDACTED] for the past year, [REDACTED] VJA

INVESTIGATOR: Justin Cozad

CAMERON MULLINS #118

Case#: 2011-1002

Status: CLOSED

Name: [REDACTED] alias: [REDACTED]

Date: 10/07/2011

Time: 10:13

Contact_Person: [REDACTED]

Contact_Phone: 2 [REDACTED]

Comments:

On the above listed date and time, I contacted [REDACTED] in an attempt to obtain additional history. She stated that she would have somebody call back to provide information.

Investigator: JAMES FIORICA #125

Date: 10/07/2011

Time: 10:18

Contact_Person: [REDACTED]

Contact_Phone: [REDACTED]

Comments:

On the above listed date and time, the subject's old medical records were ordered from storage at [REDACTED] will fax history upon receipt of the records.

At 1025 hours, [REDACTED] called back and stated that the subject's old chart had been checked out by this Office. Investigation at this Office revealed the chart to be in the inbox of Assistant Medical Examiner Dr. Venus Azar.

Investigator: JAMES FIORICA #125

Case#: 2011-1002

Status: CLOSED

Name: [REDACTED] alias: [REDACTED]

Date: 03/30/2012

Time: 8:24

Contact_Person: [REDACTED]

Contact_Phone: [REDACTED]

Comments:

83 digital images reviewed. CD placed into Dr. Azar's box.

Investigator: TAMY CHAN

Case#	2011-1002	Status	CLOSED	<input type="checkbox"/> Restricted
Name	<div></div>			
Manner of Death	Homicide	DC Done	10/12/2011	
Method	Firearm(s)	Amendment	07/20/2012	
Rpt. Type	AUTOPSY			
Doctor	AZAR			
Report Date	07/06/2012			
Summary	CAUSE OF DEATH: GUNSHOT WOUNDS WITH SHARP FORCE INJURIES			
	OTHER CONDITIONS: <div></div>			
<div>Detail Report</div>				
Attach Picture	View Photo	Report Type	<div></div>	<div>View Report</div>
				<div>Print Report</div>

CITY AND COUNTY OF SAN FRANCISCO

Office of the Chief Medical Examiner
Medical Division

Case No. 2011-1002

Name: [REDACTED]

Date & Time of Necropsy: **October 11, 2011 10:30 Hours and
October 12, 2011 09:00 Hours**

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

PRELIMINARY EXAMINATION: The body is received in a sealed white plastic pouch, (Seal #01422), and is identified by an appropriately labeled Medical Examiner's label affixed to the right great toe. When first viewed, the decedent is unclad and has a brown paper bag encasing each hand secured with a white plastic tie. Accompanying the body are gunshot residue lifts of the hands taken by San Francisco Medical Examiner's investigators; two antemortem blood tubes labeled "Quebec, TR1701"; a white plastic container with an adhesive label, labeled "10% formalin" and "Quebec, TR1701" "Left Lobe"; and one white plastic container with an adhesive label, labeled "10% formalin" "Quebec, TR1701", "Right Kidney."

SURGICAL SPECIMENS RECEIVED WITH THE BODY: As previously described, there are two containers received with the body, both labeled "Quebec, TR1701." One is also labeled "Left (sic) Lobe"; it contains two segments of formalin-fixed lung weighing 60 grams combined. One is a 6 x 2.5 x 1 cm piece of red-purple lung tissue including pleura, which is sutured lengthwise and has two separate surgical clips involving the pleural and subpleural regions, and a 2 cm irregular defect. The other portion of lung is a 12 x 8 x 2 cm red-purple segment including pleura that shows focal brown hemorrhagic mottling of the pleural surface, and has a lengthwise sutured and multiple stapled region near an irregular 5 x 1.5 cm defect. In addition to the two segments of lungs, a piece of bone consistent with a portion of rib and adherent fibroadipose tissue is received, having an overall dimension of 5 x 1.3 x 1 cm. The container, labeled "Right (sic) Kidney" contains a formalin-fixed kidney weighing 110 grams, measuring 10.5 x 3.6 x 3.5 cm, and is without the surrounding capsule, but does have some yellow adipose tissue within the hilar region. The kidney shows a 2.5 x 1.5 cm irregular defect of the upper pole with a portion of the superior segmental artery, (approximately 1 cm long and 0.3 cm in diameter), that has a surgical clip at the region where the artery enters the kidney parenchyma. The hilar blood vessels have apparently been surgically transected proximally. On cross-section the kidney shows patchy multifocal hemorrhage involving the pelvicalyceal mucosa, and a dark-brown hemorrhagic mottling of the previously described defect of the upper pole.

CLOTHING AND PERSONAL EFFECTS: Received separately from the body is a brown unsealed paper bag labeled with the San Francisco Medical Examiner's Office Case Number, the San Francisco Police Department Case Number, "John Doe [REDACTED] with a Medical Examiner's Office Property Receipt stapled to the bag. The contents are a blood-stained, previously cut green sweat shirt; and a blood-stained, previously cut blue tee shirt. The green sweat shirt has six apparent sharp force defects involving the front aspect ranging from 5/16 up to 5/8 inches; a 1/4 inch apparent gunshot wound defect of the left front area without associated gunpowder residue; a 1/4 inch apparent gunshot defect of the right upper front area associated with a thin rim of black apparent bullet wipe, without apparent gunshot residue; and a 1/2 inch apparent gunshot defect of the right lateral back area without associated gunshot defects. The blue tee shirt has nine apparent sharp force defects of the front aspect ranging from 1/8 up to 3/4

CITY AND COUNTY OF SAN FRANCISCO

Office of the Chief Medical Examiner

Medical Division

Case No. 2011-1002

Name: [REDACTED]

Date & Time of Necropsy: **October 11, 2011 10:30 Hours and
October 12, 2011 09:00 Hours**

inch; a 5/16 inch apparent gunshot defect of the left front area without associated gunshot residue; a 5/16 inch apparent gunshot defect of the right upper front area without associated gunshot residue; and a 1/2 inch apparent gunshot defect of the right lateral back area without associated gunshot residue. There are no personal effects.

RADIOGRAPHS: X-rays taken of the torso show a partially fragmented opaque projectile near the midline of the upper abdomen.

EXTERNAL EXAMINATION: The body is that of a well developed, thin [REDACTED], whose appearance is consistent with the recorded age of [REDACTED] years.

The head is normocephalic and described further under "Evidence of Injury." The scalp is intact. The scalp hair is black with scattered gray, and measures up to 5 inches long. The eyelids are unremarkable. The conjunctivae and sclerae are without icterus. There are two red petechiae of the right lower conjunctiva and one red petechia of the left lower conjunctiva. The irides are brown with equally dilated pupils. The nose is atraumatic and unremarkable. Stubble is present over the moustache zones of the face. The mouth is atraumatic. The teeth are intact and in adequate repair. The external ears are intact and unremarkable.

The neck is symmetrical and the trachea is palpable in the midline. There is no evidence of injury to the neck. The chest and abdomen are normally formed, and described further under "Evidence of Injury," and "Evidence of Medical Therapy." The external genitalia are of an [REDACTED] without evidence of injury. The posterior body surfaces are normally formed, bilaterally symmetrical, and described further under "Evidence of Injury." The anus is free of lesions.

The upper arms, forearms, hands, fingers, legs, feet and toes are normally formed. The extremities are described further under "Evidence of Injury." The fingernails extend to the tips of the fingers and are dirt- and/or blood- encrusted. The toenails are short and unremarkable.

EVIDENCE OF MEDICAL THERAPY: Clear tape covers both eyes. An appropriately positioned tape-restrained endotracheal tube and an esophageal tube are in the mouth. On the right side of the neck a needle puncture site is associated with a cutaneous 2 x 3-1/4 inch red-purple ecchymosis and underlying hemorrhage of the right sternocleidomastoid muscle. A needle puncture consistent with prior thoracentesis is on the right upper chest. A 15 inch sutured thoracotomy incision involves the bilateral upper chest and left breast, is horizontally to obliquely oriented, and extends into the left posterior axillary region. Internally, the thoracotomy involves the right third intercostal space anteriorly, the sternum at the level of the third intercostal space, and the left fourth rib and intercostal space anteriorly to posteriorly. A sutured vertically oriented 15 inch sternotomy / laparotomy incision involves the lower chest upper and lower abdomen. The left kidney has been surgically resected; the left perirenal fat is very hemorrhagic, disrupted, and commingling with multiple fragments of the hemorrhagic left

CITY AND COUNTY OF SAN FRANCISCO

Office of the Chief Medical Examiner

Medical Division

Case No. 2011-1002

Name: [REDACTED]

Date & Time of Necropsy: **October 11, 2011 10:30 Hours and
October 12, 2011 09:00 Hours**

adrenal gland. The lower lobe of the right lung is status post wedge resection, and there are sutures in the resection margin which, is near the junction with the middle lobe of the right lung. The abdominal aorta contains surgical clips and sutures in the surrounding soft tissues at the level of the celiac artery, portal vein and left renal artery. The previously transected portal vein has been surgically ligated. The hemorrhagic, multiple disrupted and fragmented pancreas has a few surgical sutures within the body and tail. The stomach has been sutured twice involving the greater curvature. A few surgical sutures are in a gunshot defect of the greater omentum. The pericardial sac has been surgically incised, and no longer contains the previously mobilized heart, which has a sutured catheter in the right atrial appendage. There is periadventitial soft tissue disruption of the thoracic aorta, which appears surgical and consistent with prior cross-clamps. A 1-3/4 surgical incision of the right lateral chest cavity contains a chest tube, internally involving the right lateral seventh intercostal space. Multiple, generally paired, punctate, up to 3/16 inch red contusions involve the bilateral anterior torso, and are consistent with prior surgical towel/clamp marks. These include five pairs on the right chest and abdomen, two separate punctate contusions on the left lower chest, a single pair in each lower pelvis, and a pair in the left proximal thigh. A disposable blood pressure cuff is on the right upper arm. A needle puncture site associated with a purple ecchymosis is on the front of the right forearm. On the right wrist are two hospital identification bands; one is plastic and one is paper, and both are labeled "Quebec, TR1701." On the front of the right wrist are five needle puncture sites focally associated with purple ecchymoses. An oximeter is taped to the right middle finger. A needle puncture is on the back of the right wrist. A cardiac monitoring electrode is on the front of the left upper arm laterally. A needle puncture associated with purple ecchymosis is in the left antecubital fossa. On the front of the left forearm are a needle puncture site and a separate taped catheter. In the left inguinal region is a taped catheter. In the right inguinal region is a taped and sutured catheter. A urinary catheter is within the penis and bladder. Taped to the right anterolateral thigh is a blue adhesive pad with two previously cut wires consistent with an apparent grounding pad. Circumferential Velcro-restrained compression devices are on the bilateral lower legs.

IDENTIFYING MARKS AND SCARS: No major surgical scars or tattoos are noted.

EVIDENCE OF INJURY:

BLUNT FORCE INJURIES: A 1/4 inch red abrasion is on the midline upper forehead. A 3 x 2 inch red contusion and a 3/8 x 3/16 inch red abrasion are on the left lower chest. A 4 x 3 inch red-purple contusion is on the right upper chest. A 5/16 x 1/8 inch red abrasion, a 1/8 inch red abrasion, and two 3/16 x 1/16 inch red abrasions are on the left upper abdomen. A 5/8 inch ovoid red contusion and a 1 x 1/2 inch red contusion are on the back of the right forearm medially. A 1/16 inch red abrasion is on the back of the right ring finger. A 1 x 3/8 inch red abrasion and a 1/2 x 1/2 inch red contusion are on the back of the left forearm. A 1 x 1/2 inch red contusion is on the back of the left hand. A 1/8 inch red abrasion is on the back of the left little finger proximally. A 1-1/2 inch ovoid red contusion with an associated surrounding 1/2

CITY AND COUNTY OF SAN FRANCISCO

Office of the Chief Medical Examiner

Medical Division

Case No. 2011-1002

Name: [REDACTED]

Date & Time of Necropsy: **October 11, 2011 10:30 Hours and
October 12, 2011 09:00 Hours**

inch ovoid red abrasion is on the right knee. A 1/2 inch scab is on the top of the right foot. A 1/2 inch red contusion and a 3/8 inch red contusion are on the left knee laterally. A 2-1/2 x 1-1/4 inch red-purple contusion is on the left knee medially. A 1 x 3/4 red contusion is on the left lower leg laterally. A thin curvilinear 1 inch scabbed lesion is on the front of the left lower leg. A 1-1/2 x 3/4 inch red-purple contusion is on the top of the left foot laterally, and a 1/16 inch red abrasion is on the top of the left fourth toe distally. A 1 x 3/8 inch red-purple abraded contusion is on the top of the left fifth toe involving the proximal half. A 1-1/4 x 1 inch red abraded contusion is on the back of the right ankle.

GUNSHOT WOUNDS: There are two gunshot wounds, labeled A and B for descriptive purposes:

A. Perforating distant gunshot wound of chest:

Entrance: The gunshot wound of entrance is on the right upper chest above the breast, centered approximately 16-1/2 inches below the top of the head and 3-1/4 inches right of the anterior midline. It is a 1/2 inch ovoid defect with a 1/8 inch medial abrasion which contains a single surgical suture superiorly.

Pathway: After perforating the skin and soft tissue of the right upper chest, the bullet perforates the right anterior fifth rib; fractures the right sixth, seventh and eighth ribs laterally, perforates the right lower lobe of the lung, which is status-post surgical resection and received as a surgical specimen showing defects as previously described under "Evidence of Medical Therapy". The pathway continues and perforates the right eighth intercostal space laterally, and exits the right lateral aspect of the back. There is approximately 200 ml of liquid blood in the right pleural cavity, status post surgical intervention.

Exit: The gunshot wound of exit is on the right lateral aspect of the back, centered approximately 20-1/2 inches below the top of the head, and 7-1/2 inches right of the posterior midline. It is a 3/4 inch irregular unabraded defect.

Direction: The bullet traveled from front to back, downward, and left to right.

Range of fire: There is no evidence of soot, stippling or gunshot residue on the skin or within the wound margins associated with the entrance gunshot wound. The clothing show corresponding perforations without evidence of gunshot residue.

B. Penetrating distant gunshot wound of chest:

Entrance: The gunshot wound of entrance is on the right lower chest, centered approximately 22 inches below the top of the head and 3 inches left of the anterior midline. It is a 3/8 inch ovoid defect with a circumferential 1/8 inch red abrasion and a 1 x 3/4 inch red contusion

CITY AND COUNTY OF SAN FRANCISCO

Office of the Chief Medical Examiner

Medical Division

Case No. 2011-1002

Name: [REDACTED]

Date & Time of Necropsy: **October 11, 2011 10:30 Hours and
October 12, 2011 09:00 Hours**

collar; without evidence of soot, stippling or gunshot residue. The clothing show corresponding perforations without evidence of gunshot residue.

Pathway: After perforating the skin and soft tissues of the left chest, the bullet perforates the left seventh rib anterolaterally; the left diaphragm; the greater curvature of the stomach, which has two hemorrhagic defects, both containing surgical suture, and approximately 10 ml of dark red-brown, bloody gastric fluid. The bullet continues perforating the greater omentum, which also contains surgical sutures; the body of the pancreas, which is hemorrhagic, multiply disrupted, and fragmented, and contains surgical sutures; the left adrenal gland, which is hemorrhagic and multiple fragmented; the left kidney, which has been surgically resected, and is received as a surgical specimen as previously described; and enters the first lumbar vertebral body and spine.

Recovery: The bullet is recovered from the first lumbar vertebra spinal canal, and is a mushroomed, yellow-metal-jacketed bullet with sharp talons and an approximately 1 cm base.

Direction: The bullet traveled from front to back, left to right, and downward.

Range of fire: There is no evidence of soot, stippling or gunshot residue on the skin or soft tissues of the entrance wound. The clothing show corresponding perforations without evidence of gunshot residue.

SHARP FORCE INJURIES: There are multiple incised wounds involving the left wrist, left hand and right hand. There are five stab wounds, all involving the left abdomen, designated "C, D, E, F and G", described below following description of incised wounds. (Note: defects A and B were previously described gunshot wounds).

Incised wounds: On the front of the left wrist there are approximately ten parallel, horizontal, linear, focally merging and overlapping incisions involving a 3 x 1 inch area. They generally range from 1/2 up to 2 inches in length, and involve the skin and subcutaneous tissues. One measures 2 inches in length, is oriented horizontally, transects the palmaris longus tendon, and partially incised the left ulnar artery. On the back of the left wrist involving the ulnar aspect are a 1/2 inch superficial horizontal skin incision and a 1/8 inch superficial skin incision. On the back of the left wrist are several focally merging, obliquely to horizontally aligned, linear, very superficial skin incisions and red abrasions ranging from less than 1/16 up to 1/8 inch, associated with red cutaneous hemorrhage involving a 1/2 x 1/8 inch area. On the back of the left wrist, somewhat more radial and distal, are a 3/8 inch superficial linear horizontal skin incision and a 1/8 inch red abrasion. A 1/4 inch superficial skin incision is on the left thumb distally. A 1/2 inch horizontal superficial skin incision involves the left index finger distally. A 5/8 inch skin incision to the subcutaneous tissues involves the left middle finger distal to the distal joint. A 5/16 inch skin incision extending to the subcutaneous tissues involves the left proximal medial middle finger. A 5/8 inch skin incision involves the left ring finger distal to

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the distal joint. A 3/8 inch skin and subcutaneous incision involves the left ring finger proximal laterally. The right ring finger has a 3/16 inch skin incision near its tip and a slightly more proximal 7/16 inch horizontal incision extending to the subcutaneous tissue.

Stab wounds:

C. On the left upper abdomen, centered approximately 23-1/2 inches below the top of the head and 3/4 inch left of the anterior midline, is a 7/16 inch obliquely oriented stab wound with a sharp lateral and a dull medial edge. The pathway involves the peritoneal cavity, possibly the stomach greater curvature, with a depth greater than 2 inches. The direction of the stab wound is left to right and downward. There is approximately 50 ml of liquid blood and a blood-soaked surgical absorbant pad within the peritoneal cavity. There is approximately 50 ml of liquid blood in the left pleural cavity, status post surgical intervention.

D. In the upper abdomen, centered approximately 24-1/2 inches below the top of the head and 1/2 inch left of the anterior midline, is a 1-1/16 inch obliquely oriented stab wound with a sharp lateral end and a dull medial end. It internally involves the abdominal wall in a left to right and downward direction, and the depth is indeterminate, but at least 1 inch in greatest dimension status post surgical intervention.

E. On the left upper abdomen, centered approximately 25-3/4 inches below the top of the head and 1/2 inch left of the anterior midline, is a 7/16 inch horizontally oriented stab wound with a sharp lateral and a sharp medial end. The pathway involves the subcutaneous tissues of the abdominal wall for a depth of approximately 1-1/2 inches, in a left to right and downward direction.

F. On the left abdomen, at about the upper and lower quadrant junction, centered approximately 26-1/2 inches below the top of the head and 1-3/4 inches left of the anterior midline, is a 1 inch horizontal stab wound with sharp lateral and medial ends, with a 7/16 inch medial red abrasion tail of the skin. Internally, the wound extends into the peritoneal cavity for a depth of at least 2-3/4 inches, in a left to right and downward direction. The peritoneal cavity contains approximately 50 ml of liquid blood and a blood-soaked surgical absorbant pad, status post surgical intervention.

G. On the left lower abdomen, centered approximately 27 inches below the top of the head and 1-3/4 inches left of the anterior midline is a 3/4 inch horizontal stab wound with bilaterally sharp ends, with a pathway involving the subcutaneous tissues of the abdominal wall over a 3 inch depth with a left to right and downward direction.

These injuries, having been described above, may not be repeated.

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INTERNAL EXAMINATION:

BODY CAVITIES: The subcutaneous body fat measures approximately 1 cm in maximum thickness at the mid-abdomen. There are two hemorrhagic gunshot wounds and five stab wound defects as previously described. The right pleural cavity contains approximately 100 ml of liquid blood. The left pleural cavity contains approximately 50 ml of liquid blood. There is a chest tube in the right lateral seventh intercostal space. There is a thoracotomy involving the right third intercostal space anteriorly, the sternum at the level of the third intercostal space, and the left fourth rib and intercostal space anteriorly to posteriorly. There is a midline vertical sternotomy and a vertical laparotomy. The peritoneal cavity contains approximately 50 ml of liquid blood and a blood-soaked surgical absorbent pad. There is a gunshot defect of the left diaphragm. The left retroperitoneum shows surgical disruption. The pericardium has been surgically opened, and the heart has been mobilized. The right atrial appendage contains a sutured catheter. There are multiple intra-abdominal surgical clips or sutures as previously described under "Evidence of Medical Therapy." The small and large intestines have been surgically mobilized. The lower lobe of the right lung and the left kidney have been surgically resected and are received as surgical specimens showing defects as previously described.

NECK: There is catheter associated hemorrhage of the right sternocleidomastoid muscle. The strap muscles are otherwise intact and unremarkable. The tongue is unremarkable. The hyoid bone, thyroid and cricoid cartilages are intact and free of apparent injury or hemorrhage. The larynx and trachea contain bloody mucus and show a hyperemic mucosa. There are no prevertebral fascial hemorrhages or underlying cervical vertebral fractures.

CARDIOVASCULAR SYSTEM: The heart weighs 290 grams, shows surgical intervention as previously described, and is otherwise intact. The coronary arteries follow their anatomical pathways and show unremarkable and widely patent bilateral coronary ostia, left coronary artery, and left anterior descending and left circumflex branches. The right coronary artery shows approximately 50% atherosclerotic luminal stenosis. The myocardium is homogeneously red-brown, without evidence of infarcts or focal lesions. The cardiac valves, endocardium, papillary muscles and chordae tendineae are free of lesions. The venae cavae are intact and unremarkable. The aorta follows its usual anatomical pathways and shows hemorrhagic defects and surgical intervention as previously described. The portal vein shows injuries and surgical intervention as previously described.

RESPIRATORY SYSTEM: The right and left lungs weigh 450 and 385 grams, respectively. The lower lobe of the right lung has been resected and is received as a surgical specimen showing hemorrhagic defects as previously described. All lobes of both lungs show patchy marked congestion with focal hemorrhage most markedly involving the right middle lobe and the left lower lobe. The pleural surfaces are otherwise smooth. The parenchyma is without evidence of consolidation or destructive emphysema. The pulmonary vessels are free of thromboemboli.

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HEPATOBIILIARY SYSTEM: The liver weighs 1960 grams shows an intact capsule covering a congested red-brown parenchyma without evidence of steatosis, fibrosis or mass lesion. There is focal subcapsular congestion with hemorrhage. The gallbladder is intact and contains approximately 3 ml of yellow-orange viscid bile and no stones. The bile ducts are unremarkable.

HEMATOPOIETIC SYSTEM: The spleen weighs 50 grams and the capsule is intact. On sectioning, the parenchyma is unremarkable. The thymus has been replaced by adipose tissue and is unremarkable. The thoracoabdominal and cervical lymph nodes are not enlarged. The bone marrow is unremarkable.

ENDOCRINE SYSTEM: The right adrenal gland is unremarkable. The left adrenal gland and the pancreas have hemorrhagic injuries and surgical intervention as previously described, with no evidence of preexisting lesion.

GASTROINTESTINAL SYSTEM: The esophagus is unremarkable. The stomach shows hemorrhagic defects and is status post surgical intervention as previously described. The gastric contents consist of approximately 10 ml of bloody fluid. The gastric mucosa is otherwise free of preexisting lesions. The colon and small intestine are intact and show patchy dark red-purple hemorrhagic mottling. The small intestine contains bloody dark red-brown chyme. The appendix is present and unremarkable.

GENITOURINARY SYSTEM: The right kidney weighs 110 grams and has an intact capsule covering an unremarkable smooth cortex with a normal corticomedullary junction. The left kidney has been surgically resected and has hemorrhagic defects as previously described. The pelviciceal systems are not dilated, and the ureters are otherwise unremarkable. The bladder contains approximately 2 ml of blood urine and has an intact, smooth, unremarkable mucosa.

MUSCULOSKELETAL SYSTEM: There are gunshot wound defects of the right anterior fifth rib, with fractures of the sixth through eighth ribs; a gunshot defect of the right eighth intercostal space laterally and the left seventh rib anterolaterally. There is a chest tube on the right as previously described. There is a bullet within the first lumbar vertebral body and spinal column. There is hemorrhage of the left iliopsoas muscle.

HEAD AND CENTRAL NERVOUS SYSTEM: The soft tissues and muscles of the scalp are intact and unremarkable. The skull is intact with no evidence of fractures. The epidural space, dura and leptomeninges are intact and unremarkable. The dural sinuses and floor of the skull are intact and unremarkable. The circle of Willis is unremarkable. The brain weighs 1470 grams. Externally, the cerebral hemispheres, cerebellum and brainstem are bilaterally symmetrical and unremarkable. On sectioning, the cerebral cortex, ventricles, basal ganglia, hippocampi, midbrain, pons, medulla and uppermost cervical spinal cord are bilaterally symmetrical and unremarkable.

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FINDINGS:

1. TWO GUNSHOT WOUNDS INVOLVING THE BILATERAL RIB CAGE; RIGHT LUNG, STATUS POST SURGICAL RESECTION OF THE RIGHT LOWER LOBE; PANCREAS; LEFT ADRENAL; LEFT KIDNEY, STATUS POST SURGICAL RESECTION; LUMBAR VERTEBRAE; LEFT DIAPHRAGM; AND SOFT TISSUES
2. FIVE STAB WOUNDS OF THE ABDOMEN
3. MULTIPLE INCISED WOUNDS OF THE LEFT WRIST AND LEFT HAND
4. INCISED WOUND OF RIGHT RING FINGER
5. CUTANEOUS ABRASIONS AND CONTUSIONS
6. STATUS POST SURGICAL INTERVENTION INCLUDING BILATERAL THORACOTOMY, MEDIAL STERNOTOMY, LAPAROTOMY, RESECTION OF LOWER LOBE OF RIGHT LUNG, RESECTION OF LEFT KIDNEY (Review of the medical records shows that the decedent [REDACTED])

Spec. to Path: Portions of brain, heart, lungs, liver, spleen, pancreas, kidneys, adrenals, esophagus, stomach, appendix, duodenum, thyroid.

Histology: Brain, heart, lungs, liver, kidney.

Spec. to Tox: Antemortem blood, hemothorax, cerebrospinal fluid, vitreous humor, urine, bile, liver, gastric contents.

Physician(s) Present: Ellen Moffatt, M.D.

Forensic Tech(s): E. Prendel.

[REDACTED] *WD 7-6-12*
Venus J. Azar, M.D.
Assistant Medical Examiner

all
A.P. Hart, M.D.
V.J. Azar, M.D.
J. Melinek, M.D.
E.G. Moffatt, M.D.
C. Happy, M.D.
VJC/PMT

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Case No: **2011-1002**

MICROSCOPIC DESCRIPTION

Brain: No diagnostic pathologic changes.

Heart: No diagnostic pathologic changes.

Lung: Sections show patchy acute hemorrhage and intra-alveolar edema, and mild emphysema

Liver: No diagnostic pathologic changes.

Kidney: No diagnostic pathologic changes.

MICROSCOPIC FINDINGS:

Acute pulmonary hemorrhage and mild emphysema

CAUSE OF DEATH: GUNSHOT WOUNDS WITH SHARP FORCE INJURIES

MANNER: HOMICIDE

OTHER SIGNIFICANT CONDITIONS: [REDACTED]

[REDACTED] *MJD 7-6-12*
Venus J. Azar, M.D.
Assistant Medical Examiner

aly
A.P. Hart, M.D.
V.J. Azar, M.D.
J. Melinek, M.D.
E.G. Moffatt, M.D.
C. Happy, M.D.
VJA/PMT



FORENSIC LABORATORY DIVISION

TOXICOLOGY REPORT

Name: [REDACTED]

Date of Submission: 10/13/2011 M. E.: VA

Case No: 2011-1002T

Date of Report: 01/27/2012

ANALYTICAL RESULTS:

SPECIMEN TYPE	COMPOUND	RESULT
Blood(AM) ¹	[REDACTED]	[REDACTED]
Plasma/Serum(AM) ²		
Blood (Hemothorax)		
Blood (Hemothorax)		
Urine		

COMMENTS

¹Blood(AM): No Date; No Time.

²Plasma/Serum: 10/03/2011; 0804 hrs.

Report prepared by COM. *can*

[Signature]
[REDACTED]
Nikolas P. Lemos, Ph.D., FRSC, D-ABFT
Director & Chief Forensic Toxicologist

ANALYTICAL PROTOCOL:

Specimens submitted were subjected to Analytical Panels A, B and C. Analytical Panel A detects and quantifies ethanol, methanol, isopropanol and acetone and may also detect other volatile compounds which would require additional analyses their confirmation and/or quantitation. Analytical Panel B detects, confirms and/or quantifies Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine, Fentanyl, Methadone, Phencyclidine (PCP), Opiates/Opioids and Tricyclic Antidepressants. Analytical Panel C detects, confirms and/or quantifies over one hundred drugs and metabolites. Please contact the Forensic Laboratory Division if you have questions regarding specific substances.



GEORGE GASCÓN
DISTRICT ATTORNEY
CITY AND COUNTY OF SAN FRANCISCO

August 20, 2013

Chief Gregory Suhr
Office of the Chief of Police
San Francisco Police Department
850 Bryant Street, Room 525
San Francisco, CA 94103

Re: Officer Involved Shooting on October 3, 2011 (Report No. 110796498)

Dear Chief Suhr:

The San Francisco District Attorney's Office has completed its review of the October 3, 2011 shooting at [REDACTED] Funston Avenue involving San Francisco Police Officer William Heppler (Star #1726). Based on evidence available, we have concluded that Officer Heppler was acting lawfully in self-defense and defense of others when he shot [REDACTED]. Our review did not examine such issues as compliance with the policies and procedures of the law enforcement agency, ways to improve training or tactics, or any issues related to civil liability; accordingly, our review should not be interpreted as expressing an opinion on these matters.

FACTUAL SUMMARY

According to the investigation, on October 3, 2011 at about 7:15 a.m., Officer William Heppler was on duty when he received a call that an [REDACTED] was stabbed by [REDACTED] on the 600 block of Funston Avenue. When Officer Heppler arrived at the scene, police, fire trucks, and other emergency services were already present. Police made contact with [REDACTED] who was on the sidewalk. [REDACTED] was bleeding badly from [REDACTED] hands. There was a blood trail down the sidewalk and blood at the front door. [REDACTED] stated that [REDACTED] had been stabbed with a knife by [REDACTED] (later identified as [REDACTED]). [REDACTED] showed police a knife in the flower pot near him and said it was the knife [REDACTED] used to cut him. [REDACTED] said [REDACTED] had [REDACTED] and was still upstairs in the home.

Uniformed and plain clothes officers lined up with Officer Heppler at the front door to the [REDACTED] home and made entry. They noticed blood on the entryway, stairs, wall and railing. The exact order of entry changed as the six officers moved up the stairs, but the general order of entry was as follows: uniformed Officer Kevin Ison (Star #176) with the ERIW, uniformed Officer Jason Hernandez (Star #1608), plainclothes Officer Troy Carrasco (Star #1599) with badge, plainclothes Officer Heppler with badge, uniformed Sergeant Lawrence Gray (Star #1304), and uniformed Officer Joseph Filamor (Star #213). As the officers entered, they yelled "Police."

Officer Heppler had his gun in his hand, pointed down, as the other officers in front of him had their guns raised. When Officer Heppler and the other officers reached the top of the stairs, they saw a badly bleeding [REDACTED] (later identified as [REDACTED]) and [REDACTED] lying face down in a darkened hallway. Suddenly, a [REDACTED] (later

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identified as [REDACTED] [REDACTED] ran from one back room to another back room and locked the door. The [REDACTED] did not respond to commands to come out of the back room. Officer Carrasco holstered his weapon, and pulled the injured [REDACTED] [REDACTED] feet down the hallway towards the stairs. Officer Heppler and the other officers provided cover and attempted to clear the other rooms. Officer Heppler raised his weapon to the ready position to cover Officer Carrasco and [REDACTED]

Suddenly, [REDACTED] entered the hallway, holding two knives outward at chest level, as [REDACTED] moved directly towards Officer Heppler. Officer Heppler backed up yelling "Police" and "Drop the knife." Officer Carrasco was approximately two feet to Officer Heppler's left, trying to move the injured [REDACTED] down the stairs. [REDACTED] stared, did not respond to the commands, and continued to move directly towards Officer Heppler with knives held forward. Officer Heppler fired two shots at [REDACTED]'s chest area from a distance of about 5 to 7 feet away. [REDACTED] fell forward and down onto the hallway floor just a few feet from Officer Heppler. Officer Carrasco then hurriedly dragged [REDACTED] down the stairs.

Emergency personnel transported [REDACTED] to San Francisco General Hospital / Mission Emergency Hospital. [REDACTED] died later that morning from stab wounds to the head, neck and torso. [REDACTED] died later that morning from two gunshot wounds to the chest.

Officer Heppler feared that [REDACTED] would stab him. Officer Heppler knew Officer Carrasco and the injured [REDACTED] were just a couple of feet to his left as Officer Carrasco had not yet moved the injured [REDACTED] to safety. Officer Heppler stated that he was in fear for his life and the lives of others when he fired his service weapon.

CONCLUSION

California Penal Code section 835a allows an officer to use reasonable force to make an arrest, and to overcome resistance by a person for whom he has reasonable cause to believe has committed a public offense. That section states the officer need not retreat or end his effort to make an arrest because of that person's resistance.

Under California law, peace officers may use deadly force to protect themselves from the threat of death or great bodily harm. California law permits the use of deadly force in self-defense or in defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed he or others were in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 Cal.App.3d 731. In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent injury which appears to be imminent. CALCRIM 3470.

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The facts in the present case indicate Officer Heppler fired his weapon at [REDACTED] from a distance of about 5 to 7 feet as [REDACTED] ignored Officer Heppler's commands to "Drop the knife" and continued to move directly towards Officer Heppler with two knives held outward. Officer Heppler was aware at the time that Officer Carrasco was approximately two feet to his left, trying to move [REDACTED] down the stairs. He also knew that [REDACTED] said [REDACTED] attacked [REDACTED] with a knife, and he had reason to believe that [REDACTED] was responsible for [REDACTED] grave injuries.

It was reasonable for Officer Heppler to fire at [REDACTED] to protect himself, the other officers and [REDACTED]. It is our conclusion that Officer Heppler acted lawfully.

Very truly yours,


[REDACTED]
George Gascon
District Attorney

c: Lieutenant Tim Plyer
Officer William Heppler

Memorandum

San Francisco Police Department



To: Captain Joseph McFadden
Commanding Officer
Major Crimes Unit

From: Sergeant Scott W. Warnke #1397
Homicide Detail (Major Crimes Unit)

Date: Thursday, October 03, 2013

Subject: Officer Involved Shooting # 11-08

APPROVED YES NO

JP 1489 ☒ ☐
Capt. Joseph P. McFadden ☒ ☐
_____ ☐ ☐

MEMBER INVOLVED: Officer William Heppler #1726
Date of Hire: [REDACTED]
Date Assigned to Richmond Station: May 2008

TYPE OF INCIDENT: Officer Involved Shooting Resulting in a Fatality

DATE & TIME: Monday, October 3, 2011 @ 0718 hours

LOCATION: [REDACTED] Funston Avenue

INITIAL CALL: Report of a stabbing

OFFICERS INJURED: None

SUSPECT: [REDACTED]
[REDACTED]
[REDACTED]

VICTIMS: [REDACTED]
[REDACTED]

RICHMOND STATION PERSONNEL ON SCENE:

Captain Keith Sanford # 1414
Lieutenant Frank Lee #1771
Sergeant Lawrence Gray #1304
Officer Troy Carrasco #1599
Officer Karen Ferretti #1689
Officer Joseph Filamor #213
Officer William Heppler #1726
Officer Jason Hernandez #1608
Officer Kevin Ison #176

Officer Ron Ophir #1772
Officer Robert Wong #2005
Officer Eddie Wu #18

BUREAU OF INVESTIGATIONS PERSONNEL:

Commander Mike Biel # 677	Investigations Bureau
Captain John Murphy # 2158	Investigations Bureau
Lieutenant Hector Sainez	Homicide Detail
Inspector Daniel Cunningham #650	Homicide Detail
Sergeant William Braconi #2246	Homicide Detail
Sergeant Scott Warnke 31397	Homicide Detail

ADMINISTRATION, FIELD OPERATION PERSONNEL:

Chief Gregory Suhr #887	Office of the Chief
Commander Lyn Tomioka #1113	Office of the Chief
Deputy Chief Kevin Cashman #936	Field Operations Bureau
Captain Douglas McEachern #1124	Risk Management
Lieutenant Robert Yick #1264	Internal Affairs
Sergeant Michael Nevin #166	Internal Affairs
Inspector Kirk Tomioka #364	Internal Affairs
Sergeant Kathryn Waaland #1361	Internal Affairs
Lieutenant Troy Dangerfield # 250	Media Relations Unit
Officer Alberto Esparza #4150	Media Relations Unit
Officer Sean Fulgado #809	Field Training Office

CRIME SCENE INVESTIGATIONS PERSONNEL:

Captain Louis Cassanego #146
Lieutenant Joseph McFadden # 2236
Sergeant David Kamita #1392
Inspector Rod Nakanishi #1072
Officer Amy Cole #1229
Officer Anthony Gomes #911
Officer Kathy Pubill #1284
Officer Angela Rouede #974
Civilian Aide Valve Zuercher-Valdespino # 4698

OFFICE OF THE DISTRICT ATTORNEY PERSONNEL:

Assistant District Attorney Michael Sullivan
District Attorney Investigator Kathy McCarthy # 704

SAN FRANCISCO FIRE DEPARTMENT PERSONNELL:

Firefighter Chan - Engine 14
Firefighter Jansen - Engine 14
Firefighter Rensi - Engine 14

OFFICE OF CITIZEN COMPLAINTS PERSONNELL:

Investigator Dennis Maxson

TARAVAL STATION PERSONNELL:

Inspector Kevin Cleary # 155

Significant Event Timeline per CAD

07:18:58 – Neighbor calls 911 and reports that [REDACTED] had been stabbed by [REDACTED].
07:21:47 – 3G3A, Officer Wong #2005 advises that incident is CODE 4.
07:23:42 – 3G1A, Officer Hernandez #1608 requests a CODE 33 for channel A-8.
07:24:48 – 3G35, (Officer Carrasco #1599), advises that he had 1 on the ground, possibly and [REDACTED] year old [REDACTED].
07:25:21 – 3G35, (Officer Carrasco), advises shots were fired and 1 was down, and that 2 more ambulances were needed.

Narrative

On Monday, October 3, 2012 Officer Heppler was assigned to work in plain clothes with Officer Carrasco. Their call-sign was 3G35. Both officers wore street clothes. Sergeant Lawrence Gray #1304, Officers Joseph Filamor #213, Officer Jason Hernandez #1608, Officer Kevin Ison #176, and Officer Wong #1772 were all working patrol in uniform.

At 0718 hours a call of a stabbing was broadcast at [REDACTED] Funston Avenue. A [REDACTED] had been stabbed by [REDACTED]. [REDACTED] was still inside of the residence. Officer Wong arrived at the scene first and met with [REDACTED] that had been stabbed, [REDACTED], from here on referred to as [REDACTED]. An ambulance was at the scene and began tending to [REDACTED]. [REDACTED] was bleeding profusely from a stab to one of his hands. It was learned that the stabbing suspect, [REDACTED] from here on referred to as [REDACTED] was still inside of the residence.

A large kitchen knife was located in an planter box on the sidewalk in front of the residence.

Officers Carrasco, Heppler and Hernandez arrived at the scene and mustered at the front door to the residence and formulated a plan of entry. A decision was made to wait for Officer Ison because Officer Ison advised that he was enroute with a 'less lethal' – Extended Range Impact Weapon – E.R.I.W. Officer Ison arrived with the 'less lethal.' Sergeant Gray and Officer Filamor arrived.

Entry was made into the unit, a 2 story flat. Officer Ison was covered by Officer Hernandez. The officers went up the staircase to the second floor. Officers Hernandez and Ison systematically cleared the room to the right, west, of the staircase landing as Officer Carrasco covered the hallway to east of the staircase. As Officers Ison and Hernandez were clearing the bedroom directly south of the staircase Officer Carrasco reached across the hallway and turned a light switch on, but nothing happened. Officer Carrasco looked to his left, east, and saw an [REDACTED], 1 day shy of [REDACTED]th birthday, from here on referred to as [REDACTED], laying face down in blood. [REDACTED] was gurgling. Officer Carrasco advised the other officers and dispatch of his observations.

Officer Carrasco asked Officer Heppler to cover him. Officer Carrasco holstered his drawn firearm, walked several feet to [REDACTED], grabbed [REDACTED] legs, drug [REDACTED] back down the hallway towards the staircase, and then down a few steps to a landing.

At that time [REDACTED] suddenly walked out of the bathroom in the hallway on the north side [REDACTED] was holding 2 knives, one in each hand at approximately shoulder level. [REDACTED] did not say anything. Multiple commands to drop the knife were given by several officers. [REDACTED] charged at Officer Heppler. Officer Heppler retreated a few feet. [REDACTED] continued [REDACTED] charge at Officer Heppler. Officer Ison approached the hallway door of the room he was clearing. Officer Ison discharged the 'less lethal' weapon once at [REDACTED]. Officer Heppler discharged his department issued firearm twice at [REDACTED] fell to the floor without ever saying a word. [REDACTED] had 2 gunshot wounds to [REDACTED] chest area.

A [REDACTED], from here on referred to as [REDACTED], walked out of a bedroom into the hallway, ignored commands to put [REDACTED] hands up, and locked [REDACTED] in an adjoining bedroom. Officer forced entry into that bedroom and detained [REDACTED] pending further investigation. (It was later determined that [REDACTED] and not involved in the violence that occurred in the residence).

Ambulances were summoned. [REDACTED] were transported to SFGH.

At 0934 hours [REDACTED] was pronounced dead.

At 0941 hours [REDACTED] was pronounced dead.

[REDACTED] survived the attack, but [REDACTED] received serious arm and hand wounds.

Summary of Officer/Sergeant Statements

Statements were taken by Sergeants Braconi and Warnke, Assistant District Attorney Sullivan, and District Attorney Investigator Posada.

Officer Wong's Statement Summary

He was at the station and a call of an A priority stabbing was broadcast. He ran to his car and advised dispatch that he was responding. He followed an ambulance to the scene and advised dispatch that he and the ambulance were at the scene. He saw [REDACTED] outside of the residence with a towel wrapped around a bleeding hand. [REDACTED] told him that [REDACTED] had stabbed [REDACTED] [REDACTED] reached for a knife that was in the planter box on the sidewalk in front of the residence. Officer Wong asked [REDACTED] not to touch the knife. The other responding officers made entry into the unit. He heard, "pop, pop, pop" and recognized the sounds to be gunfire. He went back to the residence and saw Officer Carrasco pulling a bloody [REDACTED] [REDACTED] out.

Officer Filamor's Statement Summary

He received a call of an A priority stabbing call. Upon his arrival he saw that there were plain clothes and uniformed officers present. Entry was made. Officer Carrasco located [REDACTED] on the ground bleeding. Officer Carrasco pulled the [REDACTED] down the stairwell, at which time a [REDACTED] came out of a room on the left side. The [REDACTED] had 2 knives. Verbal commands of, "Drop the knife" were given. The [REDACTED] kept walking towards them. Officer Heppler discharged his weapon and the subject went down. The knives were secured. A [REDACTED] was also detained. The [REDACTED] had a crazed look on [REDACTED] face. The person with the knife didn't say anything.

Officer Hernandez' Statement Summary

Dispatch advised that there was a stabbing at [REDACTED] Funston. He responded as backup. When he arrived he saw a bleeding [REDACTED] [REDACTED] walking in front of the building. Officer Wong walked the [REDACTED] to the ambulance. He proceeded to the front of the house with Officers Carrasco, Heppler and Ison. He was aware that a [REDACTED] had been reported as down. He was clearing a room with Officer Ison and he heard officers in the hallway yelling, "Drop the knife, drop the knife." He saw Officer Heppler retreating as the [REDACTED] was coming towards [REDACTED]. He saw Officer Heppler fire his duty weapon. The suspect fell to the ground. Officer Carrasco grabbed the [REDACTED] [REDACTED] and took [REDACTED] out of the house. He had seen the [REDACTED] running towards Officer Heppler with a knife.

Sergeant Gray's Statement Summary

There was a call that a [REDACTED] had stabbed [REDACTED]. He rolled in that direction with most of the other day watch units. He was probably the 4th unit there. Officer Wong was interviewing the victim ([REDACTED]). They waited for the E.R.I.W. to arrive. Officer Ison arrived with the E.R.I.W. They entered the building. While rooms were being cleared Officer Carrasco said that he saw a body down. He himself looked and saw that the body was motionless. Officer Carrasco grabbed the body and dragged it down the hallway past him and down the stairs. He heard officers yelling, "Stop, stop." He saw Officer Heppler back pedaling. He then saw Officer Heppler discharge his firearm. The suspect was bleeding with 2 knives on the ground next to [REDACTED] body. The suspect did not say anything. The suspect got about 4 feet from Officer Heppler. They entered because it was a family situation and they were afraid that there may have been other victims inside.

Officer Carrasco's Statement Summary

He was working in plain clothes with Will Heppler today. They have worked together for 3 weeks. They also worked together about a year prior. There was a call for service, a [REDACTED] had been stabbed in the hand by [REDACTED]. They arrived and ran to the front door. There was blood all over the sidewalk, foyer marble entrance and stairwell – all of the way up. They made entry and went up the stairs. All of them gave commands that they were the police and to come out with their hands up. The hallway to the left was darker than to the right. He turned the light switch on. The lights didn't work. He saw a [REDACTED] laying face down wearing pajamas. The [REDACTED] was gurgling and not moving. He told Will (Heppler) that he had to get the [REDACTED] out of there. He went into the hallway about 3 to 4 feet. He went down low and saw a closed door to his left. As he went down he saw that there was movement down the hallway. A [REDACTED] stepped out of the room on the right. He grabbed the [REDACTED] by the ankles and started to pull [REDACTED]. After he left the hallway he watched Officer Heppler go from the 'low ready' to the point and heard him yelling, "Drop it, put your hands up." He pulled hard and got the [REDACTED] legs out of the hallway. He then saw [REDACTED] coming out of the hallway into the landing area. He saw Officer Heppler back up 2 to 3 steps and fire twice. The [REDACTED] went down. He took the [REDACTED] down the steps and outside to a medic. He did not return to the residence. The suspect was no more than 3 to 4 feet from Officer Heppler when he was shot.

I asked Officer Carrasco what he was thinking while it was going on. Officer Carrasco said, "Somebody's gonna get killed. Somebody's gonna get shot. I thought [REDACTED] was gonna stab either me or my partner."

Officer Ison's Statement Summary

He was notified by dispatch that there was a possible stabbing on Funston. He was still at the station preparing his gear for the day. He had grabbed an E.R.I.W. and responded to the call. He arrived and saw the paramedics, and Officers Wong and Hernandez. He loaded up his E.R.I.W. As soon as enough units arrived he took point and entry was made. He cleared a room with Officer Hernandez as his close cover. After clearing the first room he was approaching another, the den, at which time he noticed that there was a body on the ground. As soon as he cleared the den he heard Officer Heppler scream, "Police. Show me your hands. Put knife down, put the knife down!" He then saw Officer Heppler back up with his firearm pointed straight forward. He had the E.R.I.W. at his shoulder. He saw the suspect cross the door area that he himself was about to exit out of, at which time he fired 1 bean-bag round at [REDACTED]. He aimed chest high at the suspect and he believed that he hit the suspect on the left side of the body. The E.R.I.W. round did not stop the suspect. He believed that Officer Heppler fired at the same time. He saw the suspect fall to the ground face down. He kicked a door in and detained a [REDACTED]. He had seen a knife in the suspect's left hand.

Officer Heppler's Statement Summary

They got a call of an [REDACTED] [REDACTED] who had been stabbed in the hand, possibly by [REDACTED]. When they arrived the fire trucks were already on-scene, as were Officers Hernandez and Wong. They made entry with Officers Hernandez and Ison and Carrasco in front of him and Sergeant Gray behind him. There was blood all over the entryway and on the railing of the stairs. He had his gun at the 'low ready.' When they got to the top of the stairs and [REDACTED] [REDACTED] was laying face down in the hallway. The [REDACTED] was not moving. Officers Ison and Hernandez went into the kitchen to clear it. A [REDACTED] maybe [REDACTED], went into a room at the end of the hallway. They started yelling, "Come out. Police. SFPD. Come out with your hands up." There was no response. Officer Carrasco said that he was going to holster and try to render aid by pulling [REDACTED] out of the hallway. Officer Carrasco started pulling the victim out. Officer Heppler yelled, "SFPD, come out with your hands up, come out with your hands up." As he was looking down the hallway a [REDACTED] year old [REDACTED] came out of a room real close to him holding a knife in [REDACTED] hand. The [REDACTED] had a glazed look on [REDACTED] face and 'dead' eyes. The [REDACTED] raised [REDACTED] hand. Officer Heppler said, "Drop it, drop the knife, drop the knife. Police, drop the knife." Officer Heppler started to back up and back pedaled a little bit. The suspect charged him and he shot [REDACTED].

Officer Heppler felt that there was an imminent threat to the officer's safety at the scene, and his own life, and he wanted to stop the threat. Officer Heppler did not know how many rounds he fired, but he knows that [REDACTED] shot [REDACTED].

SUMMARY OF CIVILIAN STATEMENTS

██████████ (Neighbor of ██████████) Statement Summary

██████████ has lived at ██████████ Funston Avenue for 26 years. ██████████ rang ██████████ doorbell at approximately 7:15 am. ██████████ saw ██████████ bleeding. ██████████ asked ██████████ to get help. ██████████ called 911. By that time ██████████ was outside with ██████████. As the dispatcher asked ██████████ questions ██████████ would relay the question to ██████████ and then relay ██████████ answers to the dispatcher. ██████████ told him that ██████████ "did it." ██████████ then walked over to a potted plant and pulled a knife out of it. The knife was a brown handled steak knife with a 7 to 8 inch blade, and it appeared to have been wiped clean, but there was blood residue on it.

The first officer that arrived was ██████████. That officer waited and a couple of plain-clothes officers arrived. By then 5 to 6 officers were present with their guns out, one of which had a rifle with red markings. All of the officers went in. The plain-clothes officers came out running, holding onto each other. One of the officers was definitely shaken up.

To him it appeared that ██████████ did not have full control of ██████████'s mind. ██████████ was not aware of any previous acts of violence at the residence, nor did ██████████ even know that the ██████████ had a ██████████

██████████ Neighbor of ██████████) Statement Summary

██████████ lives at ██████████ Funston Avenue. Yesterday, October 2nd, ██████████ was working in ██████████ garden between 3:00 and 4:00 pm. ██████████ heard arguing that sounded like it was coming from a couple of houses away. ██████████ thought about calling the police. ██████████ heard someone say, "Stop it, stop it, I told you no. Shut up." It lasted for 3 to 4 minutes. The arguing was in English. ██████████ thought that ██████████ heard an animal yelp in pain. ██████████ didn't call the police because the noise stopped.

██████████ (Neighbor of ██████████) Statement Summary

██████████ lives at ██████████ Funston Avenue. At approximately 7:00 am ██████████ heard what ██████████ thought was a car alarm. ██████████ noticed that the sound was coming through ██████████ bathroom hallway. About 5 to 10 minutes later ██████████ heard a moaning/groaning sound. ██████████ did not really know ██████████ neighbors.

██████████ (██████████ for ██████████) Statement Summary

██████████ advised that ██████████ was c ██████████
██████████
██████████ at the time of the incident.

Statement Summary

■ heard ■ talking nonsense at approximately 2:00 am. ■ knocked on ■'s door and told ■ to go to sleep. ■ himself went back to sleep. At approximately 7:00 am ■ came out of the bathroom and saw ■ with a knife in ■ right hand. ■ tried to grab the knife with ■ left hand. ■ was able to get the knife away from ■. After getting the knife away from ■ ■ ran downstairs with the knife to get help.

LAB WORK COMPLETED

I have received a completed report from the Crime Scene Investigations Unit, which includes a diagram of the residence, an itemized list of items seized, and a draft of the Crime Scene Observations/Notes prepared by Officer Pubill. Photographs were taken by Sergeant Kamita of the Forensic Video Unit. Inspector Nakanishi from the Forensic Video Unit took video of the scene. Officer Gomes from Crime Scene Investigations completed a Bloodstain Pattern Report. A Firearm Operability Test was conducted by Criminalist Mark Proia with Officer Heppler's department issued .40 caliber Sig Sauer pistol. The pistol was found to be functional and the trigger pull was determined to be within the manufacturer's specifications. The bullet and cartridge submitted were fired from Officer Heppler's pistol.

DISTRICT ATTORNEY'S OFFICE

A copy of the information relied upon in the preparation of this report was forwarded to District Attorney Investigator Jimmy Posada for a determination regarding the existence of any criminal culpability on the part of Officer Heppler.

On August 20, 2013 George Gascon, the District Attorney for the City and County of San Francisco, sent Chief Suhr a letter regarding the incident.

The letter advised that the District Attorney determined that Officer Heppler was acting in self-defense and defense of others when he shot ■

1 SGT. JUAREZ: Okay. Today is November 1st.
2 This is regarding Case Number, OIS Case Number 11-
3 006. It's taking place in the office of Internal
4 Affairs Division on November 1st, at approximately
5 13:45 hours. Conducting this interview is myself,
6 Sergeant Martha Juarez; Star Number 1800. The
7 member being interviewed, if you can state your
8 name and star?
9 OFC. HEPPLER: Uh, William Heppler, Star
10 Number 1726.
11 SGT. JUAREZ: Okay. Representing this
12 officer:
13 CHRISTOPHER SHEA: Christopher Shea, an
14 attorney at law with the Police Officers
15 Association.
16 SGT. JUAREZ: Also present...
17 SGT. WAALAND: Sergeant Catherine Waaland,
18 Star 1361.
19 SGT. JUAREZ: Okay. Uh, Officer Heppler, have
20 you read Department General Order 2.01, Rule 21?
21 OFC. HEPPLER: Yes.
22 SGT. JUAREZ: And do you understand?
23 OFC. HEPPLER: Yes.
24 SGT. JUAREZ: Okay. Have you read Government

1 Code Section 3303E?

2 OFC. HEPPLER: Yes.

3 SGT. JUAREZ: And do you understand?

4 OFC. HEPPLER: Yes.

5 SGT. JUAREZ: Okay. Are you familiar with
6 Department General Order 2.01, Rule 49, divulging
7 confidential information?

8 OFC. HEPPLER: Yes.

9 SGT. JUAREZ: Okay. Basically it's because
10 this is a confidential investigation, I am ordering
11 you not to speak to anyone regarding this interview
12 to anyone, with the exception of your lawyer. Do
13 you understand?

14 OFC. HEPPLER: Yes.

15 SGT. JUAREZ: Okay. Let's see, due to the
16 nature of this administrative investigation,
17 Government Code Section 3303H requires me to advise
18 you of your constitutional rights. Therefore, it
19 is important that you understand that criminally,
20 you have the right to remain silent. Anything you
21 say may be used against you in court. You have the
22 right to an attorney before and during questioning.
23 Do you understand these questions that I've
24 explained to you?

1 OFC. HEPPLER: Yes.

2 SGT. JUAREZ: Okay. With these rights in
3 mind, would you like to speak to me now?

4 OFC. HEPPLER: No.

5 SGT. JUAREZ: Okay. While you have the right
6 to remain silent with regard to any criminal
7 investigation, you do not have the right to refuse
8 to answer my questions administratively. This is
9 an administrative investigation. I work for the
10 Internal Affairs Division of the San Francisco
11 Police Department. I have been designated by the
12 Chief of Police to conduct this investigation. I'm
13 therefore, ordering you to answer all my questions
14 fully and honestly. If you refuse to answer my
15 questions, your silence can be deemed
16 insubordination, and result in administrative
17 discipline up to and including termination. Any
18 statement you make under compulsion of threat of
19 such discipline is for administrative purposes
20 only, and cannot be used against you criminally.
21 Your statements and any information gathered will
22 be held confidential consistent with California
23 Penal Code Section 832.7, and information gathered
24 will not be divulged except as required by law.

1 Officer Heppler are you, uh, prepared to be
2 interviewed at this time?

3 OFC. HEPPLER: Yes.

4 SGT. JUAREZ: Okay. Great. So uh, we spoke
5 earlier, before the interview. I'm not going to
6 have you tell me everything.

7 OFC. HEPPLER: Okay.

8 SGT. JUAREZ: That you, I mean, everything.
9 We'll review everything like we did at the homicide
10 interview. I do have specific questions that I do
11 have for you. But when you arrived at the scene,
12 you stated that you all stacked in formation?

13 OFC. HEPPLER: Yes.

14 SGT. JUAREZ: At the door. Can you go ahead
15 and explain that to me, please.

16 OFC. HEPPLER: Uh, we, we got in a line. Uh,
17 because there was...when you entered the front of the
18 residence, it immediately goes up the staircase.

19 SGT. JUAREZ: Uh-huh.

20 OFC. HEPPLER: So basically one officer after
21 another and then you know, clearing up the
22 staircase based upon, I guess, our training that
23 that we had; all had when we were in the academy.
24 And I was third, third in the line.

1 SGT. JUAREZ: Uh-huh.

2 OFC. HEPPLER: In the stack if you want to
3 call it a stack.

4 SGT. JUAREZ: And can you give me a reason why
5 would people stack to go into a building?

6 OFC. HEPPLER: Uh, officer safety purposes
7 for, for us. I mean, so you have one person
8 looking up, one person looking you know, in
9 different directions, and uh, staying close to
10 each, each other. Instead of having maybe one
11 person run up the stairs and getting hurt or
12 injured or something else and then sending another
13 person up there. I mean, we're close together
14 there.

15 SGT. JUAREZ: Okay. Was that discussed before
16 going into the building?

17 OFC. HEPPLER: Uh.

18 SGT. JUAREZ: With you and your other fellow
19 officers that were there?

20 OFC. HEPPLER: Yeah. Uh, briefly; I mean it
21 was an intense situation and it happened fast, but
22 we did all say wait for more people. When the
23 first officer was there we were waiting for enough
24 officers to go up in there.

1 SGT. JUAREZ: Okay.

2 OFC. HEPPLER: So like we didn't want just one
3 person to go up there, we waited for, until we had
4 about four, four or five.

5 SGT. JUAREZ: Okay. And the plan was to go
6 ahead and do what?

7 OFC. HEPPLER: To search the, the premises.

8 SGT. JUAREZ: Okay. And can you, do you recall
9 the order of which of how you were stacked?

10 OFC. HEPPLER: Yeah. I, I believe from my, my
11 best recollection Jason Hernandez was first and
12 then Kevin Ison and then Troy and then myself and
13 then Sergeant Gray and then I mean, I'm not really
14 sure who was after that. I mean, at the time I
15 wasn't...I don't remember who was, who was after
16 that.

17 SGT. JUAREZ: Okay.

18 OFC. HEPPLER: Did that make sense?

19 SGT. JUAREZ: Uh-huh.

20 OFC. HEPPLER: I've been told later on, but
21 immediately after I didn't remember.

22 SGT. JUAREZ: Right. No, exactly what you
23 recall from that.

24 OFC. HEPPLER: Okay, yeah.

1 SGT. JUAREZ: And I know it's been a long
2 time.
3 OFC. HEPPLER: Yeah.
4 SGT. JUAREZ: Since this incident happened on
5 October 3rd.
6 OFC. HEPPLER: Yeah.
7 SGT. JUAREZ: So and it's now November 1st, so
8 I know it's, it's been a while. So I'm sure, you
9 know, discussions have been made at this time. So
10 going back to that then again, so no formal
11 discussion was done? It's just you waited for
12 cover?
13 OFC. HEPPLER: Waited for cover; enough
14 officers and said okay. We're going to go in a
15 stack. We're going to go up the stairs and search
16 the premises. Stay, you know, close to each other,
17 and then two officers, Jason and uh, Kevin went to
18 search the other side where we covered them.
19 SGT. JUAREZ: Okay. And then when...what was
20 the information that you remember having before
21 entering that building?
22 OFC. HEPPLER: That a uh, like a [REDACTED]-year-old,
23 a [REDACTED]-year-old [REDACTED], uh, had stabbed or
24 cut [REDACTED]r, and [REDACTED] was outside with a

1 neighbor. And that [REDACTED] may still be inside,
2 you know, and that [REDACTED] stabbed [REDACTED] but [REDACTED]
3 [REDACTED] was outside. So we were going to in there and
4 look for the...because [REDACTED] was bleeding outside...look
5 for [REDACTED].

6 SGT. JUAREZ: Okay. Did you see [REDACTED]
7 bleeding?

8 OFC. HEPPLER: I did not.

9 SGT. JUAREZ: You did not.

10 OFC. HEPPLER: No.

11 SGT. JUAREZ: But this is the information that
12 you have?

13 OFC. HEPPLER: Yes.

14 SGT. JUAREZ: What were the first observations
15 that you made before going up the stairs?

16 OFC. HEPPLER: Uh, I uh, I remember
17 when...there's a little entryway, very small. And I
18 remember seeing a lot of blood, and a lot...seeing
19 blood on the railing. And I just kind of thought
20 to myself like, this is, this isn't good. Because
21 I mean, you go to a lot of calls, you guys know
22 this, you go to calls, maybe some with a knife, and
23 there's no blood or anything and you...everything's
24 intense. And you're always focused, but when you

1 see all, I mean a lot of blood, you kind of get
2 that feeling like uh, something's not good here.

3 SGT. JUAREZ: What made, what did you think
4 when you saw that blood? I mean what, while you're
5 proceeding up the staircase I'm guessing.

6 OFC. HEPPLER: I was thinking that the [REDACTED] was
7 hurt worse than...because in...the call was either [REDACTED]
8 got cut on I think, it was the arm or something.
9 Or [REDACTED] was stabbed in the...but [REDACTED] was talking to the
10 neighbor, had the neighbor call 911. Then I was
11 thinking that [REDACTED] was actually worse than, maybe
12 than when the call came in. Because it...when we got
13 there the fire trucks and the ambulance was there,
14 and another officer was already with, with the
15 [REDACTED]. So I was thinking uh, this is might be, [REDACTED]
16 might have really hurt [REDACTED] worse than I
17 initially thought, because there was blood all up
18 the railing and stuff.

19 SGT. JUAREZ: Okay. Did you see blood
20 continuously as you were going up?

21 OFC. HEPPLER: Uh, you know I saw it at the
22 bottom and I saw it on the railing and I focused on
23 the railing because Sergeant Gray was behind me.
24 I'm walking up but I looked back and he was going

1 to put his hand on the, on the railing, and I, I
2 was like, "Larry, don't put your hand on the
3 railing." And at that point I kind of started
4 looking up; I didn't really focus on, on the, down
5 anymore. I was paying more...because I was getting
6 closer to the landing on top of the stairs.

7 SGT. JUAREZ: Okay. What was your, uh, level
8 of officer safety at that point? What, what came,
9 what kind of things came into your mind?

10 OFC. HEPPLER: Uh, I don't...I don't know, I
11 don't really remember. I remember being alert;
12 more ale...I mean I just was very alert.

13 SGT. JUAREZ: Okay.

14 OFC. HEPPLER: Yeah. It was probably like any
15 other scene that you go to. I was, it's hard to
16 explain, but I think my officer safety didn't hit a
17 little higher alert until I saw the [REDACTED] go from
18 one side of the hallway to the other, other room.

19 SGT. JUAREZ: Uh-huh.

20 OFC. HEPPLER: And we were, police, come out,
21 and [REDACTED] wasn't coming out. That's when I kind of,
22 you know, get that sixth...then the hairs on...that,
23 that's when I got a little bit more like, okay.
24 This might be...good one, you know?

1 SGT. JUAREZ: Uh-huh.

2 OFC. HEPPLER: But then obviously, the [REDACTED]
3 was on the ground. And that would...that none of the
4 first [unintelligible] uh, and then you see a [REDACTED]
5 flash by. It's like, uh, you're going to have to go
6 down there and get [REDACTED]

7 SGT. JUAREZ: Uh-huh.

8 OFC. HEPPLER: It's like uh, I don't want to
9 go down there and get [REDACTED].

10 SGT. JUAREZ: Okay. Uh, so you get up to the
11 top of the staircase. You mentioned earlier that
12 Officer Hernandez and Officer Ison went to the
13 right?

14 OFC. HEPPLER: Yeah. They went straight, uh,
15 you know in a straight...okay.

16 SGT. JUAREZ: Yeah. In, in the beginning of
17 the interview I had placed uh, four pictures in
18 front of you. They're labeled one, two, three, and
19 four. So if you're going to reference a picture, I
20 would like you to go ahead and reference it.

21 OFC. HEPPLER: Okay. So...

22 SGT. JUAREZ: Do it to what the number of the
23 picture is and then go from there.

24 OFC. HEPPLER: I'm looking at pictures one and

1 four.

2 SGT. JUAREZ: Okay.

3 OFC. HEPPLER: I was number four in the line
4 or the stack. So when they got to the top, they
5 immediately went to...they obviously looked down the
6 hallway, but I, I assume, that's what I would have
7 done, and then Officer Carrasco and I went to
8 the...on picture one, to the threshold of the
9 hallway; while Officers Hernandez and Ison went
10 into the kitchen, which is back here.

11 SGT. JUAREZ: Which you're referencing to
12 Picture number 4.

13 OFC. HEPPLER: Uh, Picture number 4, and then
14 living room's...you could see the living room in the
15 back on picture four.

16 SGT. JUAREZ: Okay.

17 OFC. HEPPLER: So they went to clear this side
18 of the house.

19 SGT. JUAREZ: Okay. So back on picture one,
20 you're saying that there's a doorframe.

21 OFC. HEPPLER: Yes.

22 SGT. JUAREZ: Right here, right? On the
23 outsets of the railing, a stair railing?

24 OFC. HEPPLER: Uh-huh.

1 SGT. JUAREZ: Right at the top of a step. So
2 you're referencing this doorframe right here.

3 OFC. HEPPLER: Yeah. That's where my partner,
4 Officer Carrasco, and I were while Officers
5 Hernandez and Ison were in this portion of the
6 house back in here.

7 SGT. JUAREZ: Back in the area.

8 OFC. HEPPLER: Yeah.

9 SGT. JUAREZ: Of the fourth. Now you
10 referenced the kitchen. Just real quick, do you
11 know as of that time, and/or of this time, that
12 that is a kitchen back in this area?

13 OFC. HEPPLER: No.

14 SGT. JUAREZ: You do not know?

15 OFC. HEPPLER: I'm assuming it is a kitchen.

16 SGT. JUAREZ: Okay. You're assuming it is a
17 kitchen?

18 OFC. HEPPLER: Sorry if it's not.

19 SGT. JUAREZ: Uh, that's fine. No, I just
20 wanted to make sure, because you're, you're just
21 referencing a kitchen?

22 OFC. HEPPLER: Yeah.

23 SGT. JUAREZ: So they checked...

24 OFC. HEPPLER: There's a room over here I

1 should say, and there's a, a...I don't know, a living
2 room. I walked it after the incident. I walked
3 back in there.

4 SGT. JUAREZ: Okay.

5 OFC. HEPPLER: And then came back. So I know
6 that was like a living room area in this portion.

7 SHEA: You're referencing...

8 OFC. HEPPLER: Picture four, sorry.

9 SHEA: Picture four which is the room at the
10 very front of the residence, which would be on the
11 street-side?

12 OFC. HEPPLER: Yes.

13 SHEA: Okay.

14 SGT. JUAREZ: Okay. So you and Officer
15 Carrasco are in this area here in Picture number 1,
16 pointing to Picture number 1.

17 OFC. HEPPLER: Uh-huh.

18 SGT. JUAREZ: What do you see when you're
19 looking down that hallway of Picture number 1?
20 Which looks like it goes into a hallway into a back
21 area?

22 OFC. HEPPLER: Yeah. This is very, this
23 picture, the way it was taken, it's more well-lit
24 than it was at the time. When we got in the

1 residence, all the lights were off.

2 SGT. JUAREZ: Uh-huh.

3 OFC. HEPPLER: And we had to like search for a
4 light, and I think someone turned the light on
5 here. In picture one you can see a light switch
6 right here. So someone flicked that, but it didn't
7 really turn the hall lights on back. I think it may
8 have turned lights on f...I don't really remember,
9 but uh, we just saw a dark hallway at the end, and
10 it was early morning so you could, you could see
11 down the hallway but it was still dark. Uh,
12 Officer Carrasco was standing where, where the
13 officer is right here.

14 SGT. JUAREZ: Okay. There's a picture of a
15 Sergeant Waaland in this, in Picture number 1.

16 OFC. HEPPLER: Uh-huh.

17 SGT. JUAREZ: So you're saying Officer
18 Carrasco was where in relation to Sergeant Waaland?

19 OFC. HEPPLER: Uh, if you go uh, parallel
20 right to the doorway, he was right there.

21 SGT. JUAREZ: Okay.

22 OFC. HEPPLER: And I was right, kind of, on
23 his hip right, right next to him.

24 SGT. JUAREZ: Okay.

1 OFC. HEPPLER: He was pointing his firearm
2 down the hallway covering these officers, and I had
3 my firearm at the low-ready right behind him in
4 case something happened. And there was a [REDACTED] on
5 the ground in front of us.

6 SGT. JUAREZ: Okay.

7 OFC. HEPPLER: And that's at the point where,
8 you know, we both looked down and we're like uh-uh.
9 You know, this isn't good because [REDACTED]s not moving
10 and bleeding, and I didn't hear [REDACTED] make any noises
11 or sounds. But I think, I think Troy said to me
12 that [REDACTED] gurgling, but I can't, I can't remember
13 for sure. And he...I distinctly remember him saying,
14 I'm going to holster my weapon. And at first I
15 thought he...I don't know why I thought this, but I
16 thought, because he's going to go down the hallway
17 for some reason, I almost grabbed him and said, no.
18 But he said I'm going to holster my weapon and I'm
19 going to drag [REDACTED] to safety. Cover me.

20 SGT. JUAREZ: Okay.

21 OFC. HEPPLER: And that's what I did.

22 SGT. JUAREZ: Okay.

23 OFC. HEPPLER: So he started pulling [REDACTED] and
24 he just pulled [REDACTED] out of the way, and then that's

1 when everything else happened.

2 SGT. JUAREZ: Okay. Going back you said that
3 Officer Carrasco was covering, or I'm sorry, was
4 uh, yeah covering other officers. We were still
5 referencing number, Picture number 1.

6 OFC. HEPPLER: Picture number 1.

7 SGT. JUAREZ: Just for clarification, where
8 there any other officers beyond this point?

9 OFC. HEPPLER: No.

10 SGT. JUAREZ: So when you say he was covering,
11 would you say he was covering the first officers
12 that went to the right?

13 OFC. HEPPLER: Yes.

14 SGT. JUAREZ: And then possibly turned, and
15 then just looked downrange and that's when he saw
16 the body down on the ground?

17 OFC. HEPPLER: Yes, correct.

18 SGT. JUAREZ: Okay. So there was no other
19 officers on that side that he was covering?

20 OFC. HEPPLER: There was no one down the
21 hallway. No officers went down the hallway.
22 Correct.

23 SGT. JUAREZ: Okay. So then, this re...go ahead
24 and reference Picture number 1 again. When he is

1 taking the body out, and I don't know if Picture
2 number, let's see, Picture number 3 would help you
3 and/or Picture number 2, where would you say you
4 were standing? Or if you can even stay with
5 Picture number 1 that would be great.

6 OFC. HEPPLER: Probably Picture number 1.

7 SGT. JUAREZ: Okay. We'll stay with Picture
8 number 1.

9 OFC. HEPPLER: He bends down, starts dragging
10 [REDACTED] I am right here. He kind of drags [REDACTED]...I'm
11 probably...see where number 2 is on Picture 1?

12 SGT. JUAREZ: Uh-huh.

13 OFC. HEPPLER: Probably...

14 SGT. JUAREZ: And I would like you to go ahead
15 and just indicate that.

16 OFC. HEPPLER: It's number 2 is where...

17 SGT. JUAREZ: It's where you think but...and
18 this is approximate, this is not.

19 OFC. HEPPLER: Approximate, yeah.

20 SGT. JUAREZ: This is not an actual.

21 OFC. HEPPLER: I'll make an 'X' to where I, I
22 think I was.

23 SGT. JUAREZ: Right.

24 OFC. HEPPLER: Yeah.

1 SGT. JUAREZ: Because it's a picture, it's
2 two-dimensional, can't verify exactly where you
3 were. So whatever you think you were. I think
4 should get a red pen or marker.

5 SHEA: Do you want a different color?

6 OFC. HEPPLER: Yeah.

7 SHEA: Here's red. I don't know if it's going
8 to show up on that.

9 SGT. JUAREZ: And if it doesn't, what I'll do
10 is get my red Sharpie. How's that?

11 OFC. HEPPLER: Approximately right there.

12 SHEA: Can you see it?

13 SGT. JUAREZ: Okay. Yeah, you can see that.
14 So okay. You're go...you're standing there, so go
15 ahead.

16 OFC. HEPPLER: Yeah. In my...I, I'm pointing
17 down the hallway with my firearm, covering him as
18 he's dragging [REDACTED] to safety, and I remember
19 yelling, "Come out with your ha...SFPD come out
20 with your hands up," to the [REDACTED] that we saw at
21 the end of the hallway.

22 SGT. JUAREZ: Okay.

23 OFC. HEPPLER: Because we...that's wh...even
24 though the description was a [REDACTED] you know, I...you

1 kind of see someone flash by kind of with a ghostly
2 stare. Immediately I'm thinking, [REDACTED] the
3 suspect; maybe they...because you know, dispatch
4 makes mistakes -- or whoever calls in makes
5 mistakes sometimes, and I thought [REDACTED] might have
6 been the suspect. So I'm, come out with your hand
7 up. Come out with your hands up. And uh, then
8 at...as soon as he, he was out of the way, and then
9 some, [REDACTED] pulled out of this door.

10 SGT. JUAREZ: Okay. Now you're saying not in
11 Picture number 1, we can't reference any door.

12 OFC. HEPPLER: Okay.

13 SGT. JUAREZ: I've seen video of this premise
14 uh, I'm sure you know that there's probably two
15 doors on this side, or I don't know if you do or
16 don't.

17 OFC. HEPPLER: I uh, yeah.

18 SGT. JUAREZ: But are you aware of doors being
19 on this side of the building?

20 OFC. HEPPLER: Yes, yes.

21 SGT. JUAREZ: Referencing Picture number 1 to
22 the left-hand side of the hallway.

23 OFC. HEPPLER: Yes. Yeah, I uh, re...the, the
24 cl...the door closest to the hallway here.

1 SGT. JUAREZ: Okay. Since there's two doors,
2 we don't know, do you know what, when this [REDACTED]
3 person appeared? Can you tell, you can't tell
4 which door [REDACTED] came out of, right? The...either the
5 closest door to you and/or the second door opening?

6 OFC. HEPPLER: I, you know what, I, I don't
7 even know there's a door in this vicinity right
8 here?

9 SGT. JUAREZ: Okay.

10 OFC. HEPPLER: I, I can't say for, for certain
11 that, how close these two doors are. It was, it
12 was close though. It was, from my recollection, the
13 door was re...was kind of at the end of the hallway
14 here; closest to the staircase I should say.

15 SGT. JUAREZ: Okay.

16 OFC. HEPPLER: Uh, if there's another door
17 right next to it and [REDACTED] came out of that door, and
18 not this door, they'd have to be really close
19 together. It wasn't like some hallways where
20 there's, a uh, I don't know how to say this, but
21 there's a door and then you go...like a room. And
22 then there's big space between doors?

23 SGT. JUAREZ: Uh-huh.

24 OFC. HEPPLER: If there's big space between

1 doors, I could say that I'm pretty comfortable
2 saying that it was the first door. If there's, if
3 it's the sort of house where there's...doors are
4 right next to each other with no space between the
5 doors, then it would be harder to say. But it
6 would have to be pretty close because when
7 [REDACTED] came out [REDACTED] was close enough to me that I jumped
8 back a little; I started backpedaling.

9 SGT. JUAREZ: Okay. So you indicate in
10 Picture number 1, that you're approximately here,
11 which would put you right in the middle, between
12 the banister and the stair, the step going into the
13 hallway?

14 OFC. HEPPLER: Yes. I had my, my firearm. Uh,
15 I don't know how to say flush, but uh, at the
16 threshold of the, of the hallway.

17 SGT. JUAREZ: Okay. And [REDACTED] appears. So when
18 [REDACTED] first appeared, how many feet do you think [REDACTED]
19 was from you approximately?

20 OFC. HEPPLER: Uh, you know I can't say for
21 certain, but I would have to say within five to
22 seven at the most, at the most.

23 SGT. JUAREZ: Okay. And then you're saying
24 when [REDACTED] first appeared, you took a step back?

1 OFC. HEPPLER: Yeah. I started stepping back.

2 SGT. JUAREZ: What made you step back?

3 OFC. HEPPLER: Well, I think at first I was
4 startled someone came out, and then I immediately
5 saw something in [REDACTED] hand, and I, I identified it
6 as, as a knife.

7 SGT. JUAREZ: Okay. Was the person still at
8 the doorway when you saw the knife or can you
9 describe what happened when you, from when you...the
10 onset of when you saw the person come through the
11 doorway?

12 OFC. HEPPLER: From, from how I re...got the
13 mental image, like the movie going in my head. It's
14 like somebody comes out of the bathroom and kind of
15 turns towards me and I'm, I take a step back and [REDACTED]
16 just kind of is just there. Not...and then raises
17 [REDACTED] hand and I'm like, I know I'm not using good
18 adjectives here. I'm sorry.

19 SGT. JUAREZ: It's okay.

20 OFC. HEPPLER: Uh.

21 SGT. JUAREZ: We're just going to take it nice
22 and slow.

23 OFC. HEPPLER: SFPD, you know, and I see, see
24 something in [REDACTED] hands, and [REDACTED] has [REDACTED] hands like

1 this, and [REDACTED] just starts coming at me. And I was
2 like, SFPD and I'm just...now I'm backpedaling. Put
3 it down, put it down and I identified it as a
4 knife. It was...it happened instantaneously, but I
5 can see in my mind there was, there was a second
6 where [REDACTED] was, [REDACTED] was there before [REDACTED] started to go.
7 If, if that makes any sense.

8 SGT. JUAREZ: It does, and I'm going to, what
9 I'm going to do is backtrack you again.

10 OFC. HEPPLER: Okay.

11 SGT. JUAREZ: So you're at the threshold. You
12 say you're at the door; your gun's at the threshold
13 at the low-ready thing.

14 OFC. HEPPLER: Uh-huh.

15 SGT. JUAREZ: All of a sudden this person
16 appears. Now with red being reference to Picture
17 number 1, would you say [REDACTED] appeared to fully block
18 the hallway? Did he appear halfway out the door
19 like that, to look out? How would you describe [REDACTED]
20 coming out all of a sudden?

21 OFC. HEPPLER: When [REDACTED] came out uh, stepped
22 out at like a...if you're looking at Picture number
23 1, kind of like a 45-degree angle almost and then
24 sort of faced me.

1 SGT. JUAREZ: And if you want, you can stand
2 up and you can show me.

3 OFC. HEPPLER: Okay.

4 SGT. JUAREZ: So you're coming out of a
5 doorway.

6 OFC. HEPPLER: Okay. So if I'm coming out of
7 the doorway.

8 SGT. JUAREZ: Let's say the doorway is right
9 there and I'll be over here.

10 OFC. HEPPLER: Yeah.

11 SGT. JUAREZ: And I'm going to the front
12 entrance of the interview room here.

13 OFC. HEPPLER: Yeah, okay. So kind of like
14 this and like we were like this. ■ comes out
15 this, like that.

16 SGT. JUAREZ: Okay. So half ■ body is shown
17 to you?

18 OFC. HEPPLER: Yeah.

19 SGT. JUAREZ: Like when ■ initially comes out
20 and ■ arms are up, you have [unintelligible]

21 OFC. HEPPLER: I could see, I could see ■
22 whole body. But he doesn't, he didn't come out
23 like you know, ■ didn't come out like this. ■
24 kind of came out, just stepped out, and it was

1 like, and then [REDACTED] just came at me.

2 SGT. JUAREZ: So then...

3 OFC. HEPPLER: After I'm s...like I, take a step
4 back. I see [REDACTED] come up and I, "SFPD or police." I
5 don't remember exactly what I said. But, "Drop it,
6 drop it, please drop it." And after about, like I
7 said, drop it the first time, [REDACTED] starts coming at
8 me and I backpedal a little more and really, [REDACTED]
9 not dropping; [REDACTED] not stopping.

10 SGT. JUAREZ: Okay.

11 OFC. HEPPLER: That, that's when I fired.

12 SGT. JUAREZ: And again, I'm going to take you
13 back. So you say [REDACTED] steps out -- your arms are up.
14 Why are your arms up?

15 OFC. HEPPLER: My arms? [REDACTED] arms?

16 SGT. JUAREZ: Well...

17 OFC. HEPPLER: That's [REDACTED]

18 SGT. JUAREZ: Yeah.

19 OFC. HEPPLER: That's how [REDACTED] had [REDACTED] arms.

20 SGT. JUAREZ: So [REDACTED] had both [REDACTED] arms raised
21 up?

22 OFC. HEPPLER: [REDACTED] started when [REDACTED] came out
23 with arms probably at, uh, maybe pectoral or chest
24 level.

1 SGT. JUAREZ: Okay.

2 OFC. HEPPLER: And then raised them up, and
3 then started coming...as h[REDACTED] was coming.

4 SGT. JUAREZ: And you're leaning forward, so
5 now your arms are raised higher to your head level
6 almost?

7 OFC. HEPPLER: Yeah. They're about shoulder
8 to neck level.

9 SGT. JUAREZ: So as you describe [REDACTED] coming
10 out leaning forward.

11 OFC. HEPPLER: Yeah. This way.

12 SGT. JUAREZ: [REDACTED] hands are down.

13 OFC. HEPPLER: Uh-huh.

14 SGT. JUAREZ: Hold on a second.

15 OFC. HEPPLER: Sorry.

16 SGT. JUAREZ: Hands are down, and then now
17 hands are up?

18 OFC. HEPPLER: Yeah.

19 SGT. JUAREZ: At what point did you recognize
20 the knife? Can you tell me?

21 OFC. HEPPLER: Uh, as [REDACTED] was raising [REDACTED] hands
22 up.

23 SGT. JUAREZ: Okay. So [REDACTED] was going like this
24 and then you saw the knife?

1 OFC. HEPPLER: Yeah.

2 SGT. JUAREZ: Okay. Can you recall what hand
3 the knife was in?

4 OFC. HEPPLER: Uh, just replaying in my head a
5 whole bunch of times, the one...I saw a knife in [REDACTED]
6 in [REDACTED] I believe, I'm alm...in [REDACTED] right hand. Uh, I
7 just remember seeing, you know, like reddish, I
8 thought it was a reddish handle almost, but it...and
9 the blade come out. And it...from my best
10 recollection replaying this a bunch of times over
11 the past month in my head, I think [REDACTED] had it. This
12 is the...if this blue pen is the knife, the white
13 part is the handle. Like this.

14 SGT. JUAREZ: Okay. So basically, you're
15 holding the handle up above your head-level.

16 OFC. HEPPLER: Yeah.

17 SGT. JUAREZ: And [REDACTED] pointing the blade up
18 towards the sky.

19 OFC. HEPPLER: Yeah. It came up like that.

20 SGT. JUAREZ: Okay.

21 SHEA: And [REDACTED] got [REDACTED] thumb pointed upwards?

22 OFC. HEPPLER: Upwards, yes.

23 SHEA: With, and the blade would also be
24 upwards?

1 OFC. HEPPLER: Yeah. So what I, what I
2 remember seeing was that [REDACTED] had it here, and I you
3 know, when [REDACTED] was coming up, I looked. I, I
4 remember my eyes catching it saying, uh, Christ.
5 [REDACTED] got the knife; [REDACTED] got a knife in [REDACTED] hand.

6 SGT. JUAREZ: Okay.

7 OFC. HEPPLER: And uh, I just looked at this
8 knife and I took a step back and then I started
9 focusing with you know, my firearm on the center of
10 [REDACTED] body.

11 SGT. JUAREZ: Okay. And then again to take
12 you back, so now we already have [REDACTED] arms up. The
13 knife, you recognize the knife. You see the knife
14 up here. You say [REDACTED] starts coming towards you?

15 OFC. HEPPLER: Uh-huh.

16 SGT. JUAREZ: Would you say [REDACTED] came towards
17 you at a fast pace? A slow place...slow pace?
18 Charging at you? How would you describe [REDACTED]
19 movement towards you?

20 OFC. HEPPLER: Uh, it's hard to say, because
21 we were kind of close to each other. So I mean it
22 wasn't a sprint towards me, because [REDACTED] didn't have
23 time to start going. But uh, it wasn't a slow
24 pace. It wasn't where it was slow like this, but it

1 was one where ■ was going to start gathering
2 momentum and speeding up towards me. That if I was
3 maybe ten feet from ■, by the time ■ got to me,
4 ■ be at a running at me or something. ■
5 started coming at me. I don't think ■ got the
6 opportunity to, because we were so close. And I was
7 backing up, and I had to...felt I had to stop the
8 threat before anything happened. But I think ■
9 was, it seemed like ■ was gearing up to, to make a
10 charge at me.

11 SGT. JUAREZ: Okay. And when ■ started going
12 towards you, approximately, can you guesstimate how
13 far ■ was from you at that point?

14 OFC. HEPPLER: I...probably within the same
15 distance. I mean uh...

16 SGT. JUAREZ: That would be?

17 OFC. HEPPLER: I backed up and, and three to
18 five feet at the, at the, at the smallest, three.
19 The most, seven; in-between. Somewhere in that
20 range, I can't tell for sure, but I, I maintained
21 a...probably not enough distance but as much as I
22 could while I was backing up.

23 SGT. JUAREZ: Okay. Initially you said five
24 to seven.

1 OFC. HEPPLER: Uh-huh.

2 SGT. JUAREZ: So would you say [REDACTED] closed the
3 distance from you when he initially had the knife
4 out?

5 OFC. HEPPLER: Yeah. [REDACTED] closed a little bit
6 of distance, but I, I was still backing up, but [REDACTED]
7 was com...I was, I was stepping backwards. Probably
8 at, I would say I myself was stepping backwards at
9 a slow pace, and [REDACTED] was moving at a medium pace
10 towards me so [REDACTED] closed a little bit of distance on
11 me.

12 SGT. JUAREZ: Okay. So you would make [REDACTED]
13 closer to you by approximately from what-to-what,
14 do you think now?

15 OFC. HEPPLER: Uh, geez, I don't know.

16 SGT. JUAREZ: And you can use us between each
17 other now, if you'd like.

18 OFC. HEPPLER: Okay.

19 SGT. JUAREZ: Or I can move back further or
20 you can back further or.

21 OFC. HEPPLER: Yeah. So when [REDACTED] came out, if,
22 if, if you're the [REDACTED] now.

23 SGT. JUAREZ: Uh-huh.

24 OFC. HEPPLER: We weren't. [REDACTED] didn't get this

1 close to me. You could probably back up, probably
2 about, about, about yeah, about this clo...yeah,
3 we're in a room but like this close.

4 SGT. JUAREZ: Uh-huh.

5 OFC. HEPPLER: Because I was backing up.

6 SGT. JUAREZ: So it was this...

7 OFC. HEPPLER: I, I created more distance when
8 [REDACTED] first came out of the...like I said, I, I stepped
9 back. So it was probably the seven-foot threshold
10 because what have we got?

11 SGT. JUAREZ: Yeah, we would guesstimate.

12 OFC. HEPPLER: Is it about five?

13 SGT. JUAREZ: If we were to guesstimate this
14 we would get, everybody would be in agreements that
15 this is five?

16 OFC. HEPPLER: Five? Yeah. So I was probably
17 seven, and then when [REDACTED] came to me [REDACTED] was probably
18 close to about the five when I fired.

19 SGT. JUAREZ: Okay.

20 OFC. HEPPLER: Yeah. About, about the five to
21 six when I fired.

22 SGT. JUAREZ: Okay.

23 OFC. HEPPLER: And I kept backing up after I
24 fired and I kind of did the, how did this happen

1 thing?

2 SGT. JUAREZ: Okay. And again still, I still
3 just want to get...

4 OFC. HEPPLER: Yeah.

5 SGT. JUAREZ: The frame of mind. So [REDACTED]
6 coming at you. The whole time [REDACTED] coming at you,
7 do you say that [REDACTED] arm was raised with the knife
8 in [REDACTED] hand?

9 OFC. HEPPLER: Uh.

10 SGT. JUAREZ: How would you describe [REDACTED]
11 action while [REDACTED] coming towards you?

12 OFC. HEPPLER: From what I can recall, they
13 were like this. But I, like I said, after, after I
14 saw the knife, the arms raised, and, and [REDACTED]
15 mo...movement towards me and not stopping, I started
16 to maybe, I don't know the correct phrase, maybe
17 tunnel a little bit on the center of the [REDACTED]
18 with...because I was sighting in my, my firearm. And
19 so I didn't pay much attention to [REDACTED] where [REDACTED]
20 arms were at this point, but they...I didn't from my
21 peripheral, I didn't see them start to come down.
22 They were, they were still up.

23 SGT. JUAREZ: They were, they maintained their
24 position with the hand holding the knife?

1 OFC. HEPPLER: Yeah. And I know both of [REDACTED]
2 hands were in the up position, but not that if
3 you're going to ask, but I didn't focus on what was
4 in [REDACTED] other hand.

5 SGT. JUAREZ: Okay. No problem. Thank you
6 very much. I appreciate that.

7 OFC. HEPPLER: Yeah.

8 SGT. JUAREZ: Okay. So now [REDACTED] coming at
9 you, did you tell him anything?

10 OFC. HEPPLER: I remember saying, "Stop, stop,
11 put it down, police." I said police once.

12 SGT. JUAREZ: Okay.

13 OFC. HEPPLER: At least once, I should say.
14 Uh, you know it kind of happened all that fast. I...
15 it's kind of one of those things where that, that
16 little portion isn't, it's not blurry, but it's
17 like slow-motion in my head.

18 SGT. JUAREZ: Okay.

19 OFC. HEPPLER: So I don't remember hearing.
20 Because when we all go to the range and you fire
21 your weapon, it's very loud, right? Uh, but it
22 wasn't very loud when I fired in this, in this very
23 close environment, and I don't remember really
24 hearing the weapon fire too much.

1 SGT. JUAREZ: Okay. So [REDACTED] coming at you,
2 you're saying, stop, stop, police.

3 OFC. HEPPLER: Yeah.

4 SGT. JUAREZ: Does [REDACTED] look like [REDACTED]
5 acknowledged what you were saying?

6 OFC. HEPPLER: Uh, I said this in, in the
7 other interview. It's hard to explain but [REDACTED] had
8 dead eyes, if that makes any sense at all. Like
9 [REDACTED] something wasn't registering. Like when...it
10 just [REDACTED] just looked...it looked vacant in [REDACTED] eyes
11 when [REDACTED], especially when [REDACTED] first came out. [REDACTED]
12 had...and I recognized what was happening that [REDACTED] was
13 a suspect, [REDACTED] had a knife in [REDACTED] hand, and [REDACTED] was
14 starting to go towards me. [REDACTED]ust had this stare
15 like just, you know.

16 SGT. JUAREZ: Would you say a blank stare?

17 OFC. HEPPLER: Blank stare; like [REDACTED] was
18 gone...it was, [REDACTED] was gone.

19 SGT. JUAREZ: Okay. Did [REDACTED] ever make any
20 comments towards you?

21 OFC. HEPPLER: No, not that I remember.

22 SGT. JUAREZ: Okay. So let's get to the
23 discharge now, and what I want from you is
24 basically what your state of mind. Uh, what did

1 you feel? What did you see? What did you hear?

2 Everything like that.

3 OFC. HEPPLER: Okay.

4 SGT. JUAREZ: So I want to know why did you
5 discharge at this [REDACTED]

6 OFC. HEPPLER: Uh, I discharged at [REDACTED] Number
7 One: Not to sound selfish, but I was in fear for
8 my own life and my safety and my life, uh, that I
9 th...you know, it's kind of weird to say but I
10 thought that you know, I might get seriously hurt
11 or injured if I don't; or maybe killed, but I mean..

12 SGT. JUAREZ: How did [REDACTED] make you feel? How
13 was that feeling? How do you remember feeling when
14 [REDACTED] was coming at you with the knife?

15 OFC. HEPPLER: Startled, extremely startled.
16 Like uh, wow, there's [REDACTED] there and then [REDACTED]
17 coming. Uh, no, don't...like almost like don't,
18 don't, don't come at me, you know? Don't make me
19 do that.

20 SGT. JUAREZ: Uh-huh.

21 OFC. HEPPLER: Kind of, if that makes sense.

22 SGT. JUAREZ: Well, if you can go on, what do
23 you mean "don't"?

24 OFC. HEPPLER: I don't want to have to shoot

1 anybody, you know?

2 SGT. JUAREZ: Uh-huh.

3 OFC. HEPPLER: Uh, that's something I think
4 about that's going to happen when I go to work
5 every day.

6 SGT. JUAREZ: Uh-huh.

7 OFC. HEPPLER: And it would have been, I would
8 have been way more happy if [REDACTED] would just dropped
9 it and I could have tackled the [REDACTED].

10 SGT. JUAREZ: Uh-huh. Did you give him any
11 warning?

12 OFC. HEPPLER: When [REDACTED] came out?

13 SGT. JUAREZ: Right.

14 OFC. HEPPLER: Yeah. We said, I said, put it
15 down, put it down.

16 SGT. JUAREZ: But those are commands. So what
17 we'd like to say is like, put down the weapon or
18 I'm shoot. So you give them an actual command and
19 then you actually give them a warning.

20 OFC. HEPPLER: Yeah. Uh, no, I, I didn't say
21 put it down or I'll shoot. I didn't uh...

22 SGT. JUAREZ: Okay. Was there, do you think
23 there was any feasible time to give [REDACTED] that
24 warning?

1 OFC. HEPPLER: No, not at all.

2 SGT. JUAREZ: You were saying that the actions
3 just played out very quickly?

4 OFC. HEPPLER: Yeah.

5 SGT. JUAREZ: Going back to where ■ came out
6 of the room to where you started stepping back, how
7 much time do you think you can place on that? That
8 ■ started coming towards you, and then from the
9 time that you discharged?

10 OFC. HEPPLER: Seconds, it happened real
11 quick.

12 SGT. JUAREZ: Reference any, more than five?
13 less than five? more than ten? less than ten?

14 OFC. HEPPLER: You know I...

15 SGT. JUAREZ: Anything that you can...to the
16 best of your recollection?

17 OFC. HEPPLER: Yeah. I, I honestly, I'm
18 sorry. I can't really say a time because it like
19 I said, when I replay it in my head it's slow
20 motion. So it seems like it's taking some time, but
21 I remember thinking right before that happened like
22 [snaps fingers] like that. Just [snaps fingers]
23 like a snap of a finger, just boom; just all
24 happened really quickly. So I, I don't, I'm sorry.

1 I wouldn't feel comfortable saying like it was, uh,
2 it was five or ten seconds because I honestly don't
3 know.

4 SGT. JUAREZ: That's fine. And that's totally
5 fine. Do you remember how many times you shot?

6 OFC. HEPPLER: Uh-uh.

7 SGT. JUAREZ: Cannot recall?

8 OFC. HEPPLER: No, sorry.

9 SGT. JUAREZ: Okay. That's quite all right.
10 Uh, when you fired, do you feel like you fired in
11 rapid succession? You fired maybe one at a time?
12 Is there anything that triggers your memory?

13 OFC. HEPPLER: Rapid, rapid.

14 SGT. JUAREZ: Rapid, okay.

15 OFC. HEPPLER: I don't remember really
16 pulling...that was one of the things is I don't
17 remember really pulling the trigger. I remember
18 putting my finger on the trigger. No, no, I'm
19 sorry. I remember pulling the trigger, you know?
20 But I don't remember putting...you know when, we were
21 always taught you don't put your finger on the
22 trigger until, you know, there's a threat. I don't
23 remember going from here to here. I remember
24 pulling the trigger.

1 SHEA: So and when you say from "here to
2 here", you mean from going from having your finger
3 on the trigger guard to having your finger on the
4 trigger?

5 OFC. HEPPLER: Yes, exactly.

6 SGT. JUAREZ: Okay. Uh, when you shot [REDACTED],
7 what happened?

8 OFC. HEPPLER: [REDACTED] immediately just fell
9 forward.

10 SGT. JUAREZ: Okay.

11 OFC. HEPPLER: And I backed up a little bit,
12 and I, I, I kind of put my gun pointed down, but it
13 was in my hand still and I kind of looked, and I
14 looked at Sergeant Gray, and I, Larry was just
15 like, holster your weapon and walk, you know, walk
16 over there. Walk in the living room.

17 SGT. JUAREZ: Okay.

18 OFC. HEPPLER: Take a deep breath. So that's
19 what I did. I walked back and then immediately,
20 Larry and Troy just grabbed me and they were like
21 get out of here. I'm getting out of here and that
22 was it.

23 SGT. JUAREZ: Okay. So as soon as [REDACTED] was
24 shot, did you assess [REDACTED] to see if [REDACTED] was still a

1 threat to you?

2 OFC. HEPPLER: Uh.

3 SGT. JUAREZ: The subject down on the ground?

4 OFC. HEPPLER: [REDACTED] He wasn't a threat. [REDACTED]
5 went down and didn't move.

6 SGT. JUAREZ: Okay.

7 OFC. HEPPLER: [REDACTED] went...I, I...after [REDACTED] fell, I,
8 I took another step back and [REDACTED] wasn't moving, and
9 then more officers like came into view, and I just
10 remember m...I don't really remember too much. But I
11 remember making eye contact with Sergeant Gray and
12 just uh, vaguely remember [REDACTED] saying, holster your
13 weapon and take a deep breath. You'll be all right.

14 SGT. JUAREZ: And then [REDACTED] sent you to, if we
15 go back to Picture number 4.

16 OFC. HEPPLER: He...

17 SGT. JUAREZ: So you're...

18 OFC. HEPPLER: Yeah. He said, step back and I
19 walked, and I just walked. I don't know if he told
20 me to. I just walked back into this threshold
21 right here, and he kind of looked, and came back
22 and then I remember my partner. I remember seeing
23 my partner, and he just kind of grabbed me. He was
24 like, we're getting out of here. We're getting you

1 out of here.

2 SGT. JUAREZ: Okay.

3 OFC. HEPPLER: And then he walked me past, I
4 remember I seen the [REDACTED] laying on the ground, and I
5 walked this way and down the stairs.

6 SGT. JUAREZ: Okay. Was anybody attending to
7 the [REDACTED] on the ground?

8 OFC. HEPPLER: I honestly don't, I don't
9 remember.

10 SGT. JUAREZ: Do you remember anybody, uh,
11 placing handcuffs on the person on the ground?

12 OFC. HEPPLER: No. I, I don't know.

13 SGT. JUAREZ: Okay. Was anybody around [REDACTED] as
14 you were walking out that you can recall?

15 OFC. HEPPLER: You know, this is the part that
16 I haven't really replayed in my head, but I, I
17 remember it being, it felt like it was more...like
18 when I, when the incident happened, I f...I felt
19 isolated up there almost. Like it was just the [REDACTED]
20 coming at me and myself, and then I remember after
21 when they were drawing me away like it felt like
22 there was a lot more people up there. So I, I
23 don't know. I know there were more, more officers
24 up there, but I don't remember who was doing what

1 exactly.

2 SGT. JUAREZ: Okay. And then I'm sorry, just
3 to take you back, when you fired do you remember if
4 you were two-handed? One-handed?

5 OFC. HEPPLER: Two-handed.

6 SGT. JUAREZ: Two-handed? Okay. And did you
7 ever ask for a paramedic fo [REDACTED] or did you know
8 who did?

9 OFC. HEPPLER: I, I believe my partner did.
10 I, I think so.

11 SGT. JUAREZ: Okay.

12 OFC. HEPPLER: I remember him getting on the
13 air and asking for I think, another sergeant and I
14 think he, I think he did ask for...said we were going
15 to need two ambulances: one for the victim and one
16 for another victim, I think. I remember hearing it
17 on the radio and I'm pretty sure he was doing most
18 of the radio notifications.

19 SGT. JUAREZ: Okay.

20 SHEA: Could that have been earlier? When you
21 guys first arrived and saw the other body in the
22 house?

23 OFC. HEPPLER: Maybe. Yeah, maybe that was
24 it.

1 SGT. JUAREZ: Okay.

2 OFC. HEPPLER: He did ask for another one.
3 I'm not sure if he asked for one for this [REDACTED] or
4 not.

5 SGT. JUAREZ: Okay, okay. And then...

6 OFC. HEPPLER: But there was paramedics. I
7 mean there was firefighters and paramedics down
8 there the whole time.

9 SGT. JUAREZ: Okay. You okay? You can take...

10 OFC. HEPPLER: Yeah. No, I'm fine, thank you.

11 SGT. JUAREZ: All right. Great. Do you
12 remember if the sergeant or any other supervisor
13 gave you the public safety statement?

14 OFC. HEPPLER: What's the public statement?

15 SGT. JUAREZ: Public safety statement is when
16 they go to an officer that was been involved in an
17 officer involved shooting and say, okay. How many
18 times did you fire? Where did you fire? Just
19 basically give a directional of what, not of why
20 did you shoot but basically where, are there any
21 suspects outstanding? Did anybody ask you any
22 questions at all after you, after you were taken
23 out of the house?

24 OFC. HEPPLER: Uh, all I really remember is

1 that Lieutenant Lee came up, Frank Lee came up to
2 me and he just asked me if I was okay.

3 SGT. JUAREZ: Okay.

4 OFC. HEPPLER: That's about it.

5 SGT. JUAREZ: Okay.

6 OFC. HEPPLER: Really, uh.

7 SGT. JUAREZ: And where did you go after you
8 left the house?

9 OFC. HEPPLER: They...I went and sat in the bed
10 of the, the bed of our truck. We have a truck
11 that...our plainclothes vehicle.

12 SGT. JUAREZ: Did someone sit with you?

13 OFC. HEPPLER: Yeah, Troy was with me.

14 SGT. JUAREZ: Troy was with you? Did you
15 discuss the, the case? Or did you discuss the, uh,
16 what you guys had just done?

17 OFC. HEPPLER: No. He was on the phone trying
18 to get a rep.

19 SGT. JUAREZ: Uh, okay.

20 OFC. HEPPLER: I think he got me a bottle of
21 water and that was pretty much it. And then he
22 drove me back and I went upstairs and I sat with
23 Laurie for a little bit.

24 SGT. JUAREZ: Okay.

1 OFC. HEPPLER: That was it, and then this guy
2 showed up.

3 SGT. JUAREZ: Okay, great.

4 OFC. HEPPLER: And talked to him.

5 SGT. JUAREZ: Great, thank you. Uh, I don't
6 think I have any further questions. I think that
7 pretty much covers it all. Do you have anything
8 Sergeant Waaland?

9 SGT. WAALAND: I just wanted to, uh, just the
10 state of mind in the house, a little bit. You said
11 when you first went up there uh, Office Carrasco,
12 when you thought he was going to go down the
13 hallway. You said you almost grabbed him?

14 OFC. HEPPLER: Yeah.

15 SGT. WAALAND: And I...why, why would you almost
16 grab him? Like why did you...

17 OFC. HEPPLER: I think it's probably just me,
18 but I, for some reason, he's, he was reholstering.
19 He said, I'm going to reholster. I thought he was,
20 for some reason I don't know why I thought this,
21 but I thought he might go run after, down the
22 hallway and grab the suspect that we saw; the [REDACTED]
23 at the end of the hallway. You know, and I was
24 like, no, we haven't cleared anything yet. I don't

1 know why I thought that. That was just a hot
2 second though, and then...

3 SGT. WAALAND: But what did you think would
4 happen to him if he did that? You know, what, what
5 were you concerned would happen to him?

6 OFC. HEPPLER: I was concerned that there was
7 people, other people, that might pop out on him, to
8 be honest. Uh, or that [REDACTED] might pop out on him
9 and start running at him or something.

10 SGT. WAALAND: And what do you think, what did
11 you think [REDACTED] would do if [REDACTED] ran at him? Of if
12 the person, if someone popped out. What, what did
13 you think that person was going to do?

14 OFC. HEPPLER: Stab or worse.

15 SGT. WAALAND: Okay. And then we say when he
16 came out uh, you were startled and you started
17 moving backwards?

18 OFC. HEPPLER: Uh-huh.

19 SGT. WAALAND: What was the, what was your
20 goal of moving backwards? You know, what was your
21 intention as you were moving backwards?

22 OFC. HEPPLER: Putting distance between [REDACTED]
23 and myself because I recognized that [REDACTED]
24 a weapon in [REDACTED]'s hand. And just you know, so

1 that...putting enough...I don't, I think that was
2 instinctual almost, to be honest with you. It
3 wasn't really processing the fact like I need
4 enough distance so [REDACTED] doesn't have enough room to
5 reach out and hit me with it or, but I think it was
6 just instinctual, you know? Someone, you see
7 something that, like that you just back up. So I
8 was...most of this was sort of instinctual or you...I
9 think I personally think I just reverted back to
10 training on most of this.

11 SGT. JUAREZ: Okay. Can you, actually can you
12 go ahead and tell me, okay, what was your date of
13 entry?

14 OFC. HEPPLER: [REDACTED]

15 SGT. JUAREZ: Okay. And what kind of training
16 have you had as for anything like a situation like
17 this, if any?

18 OFC. HEPPLER: Uh, probably just...

19 SGT. JUAREZ: Like officer safety course?

20 OFC. HEPPLER: Yeah.

21 SGT. JUAREZ: The sledge-lock training that we
22 had where that's where the uh, God, I forgot what
23 it's called.

24 SGT. WAALAND: Active shooter.

1 SGT. JUAREZ: Active shooter

2 OFC. HEPPLER: I...

3 SGT. JUAREZ: Where they teach you about
4 stacking, and before you go into a building?

5 OFC. HEPPLER: Yeah. The, the one that they
6 had -- we had the two-week one after we got out of
7 the academy, that field tactic; the OSF, I don't
8 think...

9 SGT. WAALAND: Officer Safety Field Tactics.

10 OFC. HEPPLER: Yeah. I don't think they do it
11 anymore, but we got to do that one. Which was,
12 which was good.

13 SGT. JUAREZ: Okay.

14 OFC. HEPPLER: And just the stuff through the
15 academy and then AO, that's about it.

16 SGT. JUAREZ: And when was the last time you
17 attended AO?

18 OFC. HEPPLER: I don't remember.

19 SGT. JUAREZ: More than, more than a year?

20 OFC. HEPPLER: I'm going, I'm going in May.

21 SGT. JUAREZ: Okay. So it's been two years.

22 OFC. HEPPLER: Probably two years, yeah.

23 SGT. JUAREZ: Okay. And when was the last
24 time you qualified at the range?

1 OFC. HEPPLER: Uh, the funny thing was, I just
2 qualified at the range before this because I got
3 back from, I had [REDACTED] so I qualified
4 when I got back, probably in, end of July? So I
5 [unintelligible]

6 SGT. JUAREZ: Okay. Any other training have
7 you had? Any specialized training you take for
8 yourself that would you know, help you in
9 situations like this?

10 OFC. HEPPLER: In situations like this? I
11 don't think so. I mean, most of the training that
12 I've been sent to is more just plainclothes
13 training. But it's more and not really firearms
14 training.

15 SGT. JUAREZ: Okay. And have you taken the
16 department's uh, CIT training? The crisis
17 intervention training?

18 OFC. HEPPLER: No.

19 SGT. JUAREZ: Okay. Uh, I don't have anything
20 further. Do you, Chris?

21 SHEA: Uh, just a couple of follow-up things.
22 When you were stacked and the officers were
23 entering the building uh, Officer Ison had the uh,
24 beanbag shotgun?

1 OFC. HEPPLER: Yeah, the ERIW.

2 SHEA: Okay. When they were clearing what
3 would be the front of the house, that was Officer
4 Ison and his lethal cover was Officer Hernandez?

5 OFC. HEPPLER: Correct.

6 SHEA: Okay. And was it sort of the, did you
7 guys plan it so that they were going to clear the
8 front of the house while you and Carrasco covered,
9 just covered the back of the house? Because it
10 sounded like you, you guys didn't intend to go to
11 the back of the house. You were just covering it
12 so that the other officers could clear with the
13 ERIW or was it unspoken?

14 OFC. HEPPLER: I think it was something that
15 happened like when we got up to the top of the
16 staircase. I think they like, we're going to go
17 that way.

18 SHEA: Uh-huh.

19 OFC. HEPPLER: You know, you guys can watch
20 this while we go that way.

21 SHEA: Okay.

22 OFC. HEPPLER: And that's just what happened.

23 SHEA: And you guys didn't move towards the
24 back of the house?

1 OFC. HEPPLER: No.

2 SHEA: Okay.

3 OFC. HEPPLER: We just stayed there.

4 SHEA: And then Carrasco went to the aid of

5 the victim?

6 OFC. HEPPLER: Yeah.

7 SHEA: While you covered the back of the

8 house?

9 OFC. HEPPLER: Correct.

10 SHEA: Okay. Uh, and the officers uh, I think

11 this was covered in the other interview, but as you

12 entered the home, were the officers, were you and

13 the other officers announcing your presence?

14 OFC. HEPPLER: Yes.

15 SHEA: And how were you doing that?

16 OFC. HEPPLER: Uh, we were yelling SFPD, you

17 know.

18 SHEA: And was that g...were they, were you

19 continuing to do that as you cleared the house?

20 OFC. HEPPLER: Yes.

21 SHEA: Okay. So the officers that were in the

22 front of the house, Hernandez and Ison were

23 announcing their presence as they entered the

24 rooms?

1 OFC. HEPPLER: Yeah.

2 SHEA: You could hear them doing that?

3 OFC. HEPPLER: Yeah. When we were coming up,
4 we were yelling, SF...multiple people were yelling
5 SF...including myself, "SFPD, come out," you know.

6 SHEA: Okay.

7 OFC. HEPPLER: As we're coming up, SFPD.

8 SHEA: Okay. And was that uh, do you remember
9 anybody else besides yourself communicating to this
10 individual with the knife? Do you remember hearing
11 anybody else say, drop the knife? Or is that
12 something that you're...

13 OFC. HEPPLER: I don't know if, I don't
14 remember anybody else communicating with him.

15 SHEA: Okay. And do you remember uh, that you
16 mentioned that you didn't, you don't remember
17 hearing the shots or how many shots you fired? Do
18 you remember if anybody else fired?

19 OFC. HEPPLER: No.

20 SHEA: Okay. Uh, and you said one of the
21 things that was going through your mind was, as
22 this person came at you with a knife, was please
23 don't make me do this. Uh, did you feel like you
24 had no other choice?

1 OFC. HEPPLER: Yes.

2 SHEA: Yes? Yes, you had no other choice?

3 OFC. HEPPLER: Yeah, yeah. I felt like I had,
4 I'm sorry. I felt like that was the only option I
5 had left at that point.

6 SHEA: I don't have any other questions.

7 SGT. JUAREZ: Okay. Then Officer Heppler is
8 there any other statements relevant to this
9 incident that you wish to make at this time?

10 OFC. HEPPLER: Thanks to everyone who's been
11 very nice and helpful to me throughout this,
12 including both of you.

13 SGT. JUAREZ: Okay, great. Uh, thank you.
14 Go ahead and concluding this interview. It is
15 about 14:25 hours, but I'm just going to...the last
16 thing I'm going to have you do is just, I believe
17 we only marked Picture number 1. So at this, we'll
18 take this pen and put it out here, and just put
19 your initials and today's date. And I'm going to
20 turn this off.

21 **END OF DOCUMENT**

1 SGT. WARNKE: This is Scott Warnke,
2 Sergeant, Star Number 1397, San Francisco Police
3 Department. Today is Monday, October 3rd, 2011. It's
4 approximately 1627 hours. We're in an interview
5 room at the Homicide Detail, Hall of Justice at 850
6 Bryant Street. This is an interview regarding Case
7 Number 110 796 498. Present with me is-

8 SGT. BRACONI: Sergeant Braconi, Star 2246
9 with the Homicide Detail.

10 QUESADA: Investigator Jim Quesada, San
11 Francisco DA 7044.

12 SULLIVAN: And Mike Sullivan, Assistant
13 DA.

14 SHEA: Christopher Shea with the Police
15 Officer's Association, I'm an attorney.

16 ISON: Officer Kevin Ison, Star Number
17 176.

18 SGT. WARNKE: Okay Officer Ison and
19 before we start this is a voluntary statement and
20 you're here with counsel, is that correct?

21 ISON: That's correct.

22 SGT. WARNKE: Okay. Do you remember your
23 date of entry in the Department?

24 ISON: Date of entry I got [REDACTED].

25 SGT. WARNKE: Your current assignment?

26 ISON: Richmond Station.

1 SGT. WARNKE: How long have you been at
2 Richmond Station?
3 ISON: Approximately two and half, three
4 years.
5 SGT. WARNKE: Where'd you work prior to
6 that?
7 ISON: I did my probation at Northern and
8 then my FTO at Bayview.
9 SGT. WARNKE: What was your shirt today?
10 ISON: From [REDACTED].
11 SGT. WARNKE: And you were in uniform?
12 ISON: Correct, I'm in uniform.
13 SGT. WARNKE: Do you have a partner?
14 ISON: No. Today I was a Sam unit.
15 SGT. WARNKE: And what was your call sign
16 today?
17 ISON: 3 George 28.
18 SGT. WARNKE: You're in uniform, is this
19 the uniform you're wearing?
20 ISON: Yes.
21 SGT. WARNKE: This is what you were
22 wearing. You have your gun belt with-I see your
23 weapon, I see an impact weapon, you have pepper
24 spray or?

1 ISON: Yes, I have my pepper spray, my
2 impact baton, my firearm on my side.

3 [unintelligible]

4 SGT. WARNKE: Okay. Just after 7:15 this
5 morning there was an incident that occurred on the
6 600 block of Funston. Can you tell us what you did
7 in regards to that?

8 ISON: I was notified by Dispatch there
9 was a possible 219 stabbing incident there at
10 Funston Street. I was still at the station at the
11 time preparing my gear for the day. When the call
12 came out I had just happened to grab my EIRW. I put
13 myself on the run, I went out there to back up my
14 [unintelligible] that's out there. As soon as I
15 arrived I believe the fire and medics were already
16 there. I believe I saw Officer Wong there and I saw
17 Officer Hernandez. I responded with the EIRW. I
18 loaded the EIRW with four rounds and two
19 [unintelligible] one in the chamber. So basically
20 three rounds [unintelligible] one in the chamber. I
21 took it off safety. Met up with Officer Hernandez
22 who had his sidearm out also, standing by the door.
23 He suggested we should remain here until further
24 units came, which they did. As soon as there was
25 enough units arrived on scene I took point because
26 I had the beanbag gun. I announced the police

1 multiple times as we proceeded up the stairway. As
2 soon as we hit the top of the stairway I noticed
3 that it leads into a hallway that runs
4 perpendicular. To the left was like a front living
5 room, front foyer area. There in front of the
6 stairway was another room, possibly a den turned
7 into a bedroom and then if you looked towards the
8 left towards the back of the house there's like a
9 hallway that leads down to what I could see was
10 another door that was closed. I proceeded to the
11 right, to the front foyer, tried to clear that room
12 first. I believe Officer Hernandez was with me at
13 the time as my cover. We cleared that room.
14 Directly—we exited that room and directly entered
15 the room that was directly across the stairway.
16 Before I actually entered that room I noticed that
17 there was actually a body on the ground in the
18 hallway facedown and I had notified—I yelled out
19 there was actually a body on the ground, body on
20 the ground, before I proceeded to clear out the
21 bedroom—I mean, before I proceeded to clear out the
22 other rooms. As soon as I cleared out the front
23 foyer I went to the other room that looked like a
24 den that had been turned into a bedroom. I believe
25 Officer Hernandez was still with me doing my cover.
26 I believe Officer Fillmore was actually covering

1 down the hallway with Officer Heppler. As soon as I
2 cleared that den I heard Officer Heppler screaming
3 police, show me your hands. I believe he said,
4 police, show me your hands, put the knife down, put
5 the knife down, at which time I saw Heppler,
6 Officer Heppler back up with his firearm pointed
7 forward down the hallway. I had the ERIW at my
8 shoulder already and it just so happened that I saw
9 the suspect cross through-through the main door,
10 through the door area that I was about to exit out
11 at which time I fired one round, one bean bag round
12 at [REDACTED] and I believe Officer Heppler fired at the
13 same time. I saw the suspect fall to the ground.
14 They secured the suspect. They secured the knives.
15 The suspect was on the ground facedown at which
16 time I pointed the EIRW down the hallway to secure
17 the rest of the main hallway. My and Officer
18 Fillmore bounded from that point on to the kitchen
19 where Officer Fillmore cleared the kitchen. There
20 was a bathroom directly across from the kitchen. We
21 cleared that. As we were proceeding to the rear of
22 the house that back bedroom door opened. Saw a
23 [REDACTED] exist the door, exist that bedroom. I
24 screamed to [REDACTED] I ordered [REDACTED] to come towards us
25 with [REDACTED] hands up. [REDACTED] did nothing of the sort. [REDACTED]
26 actually ran to the next bedroom which was directly

1 next door to it. We proceeded to move forward. [REDACTED]
2 shut the door behind [REDACTED] and it was locked. Officer
3 Fillmore cleared the bedroom that [REDACTED] had existed
4 from. As soon as that bedroom was cleared I
5 immediately began to order the door open. The door
6 was still not open. I kicked the door in at which
7 time I saw the [REDACTED] with [REDACTED] hands up. I ordered
8 [REDACTED] to show me [REDACTED] hands further, [REDACTED] did. I
9 grabbed [REDACTED] basically threw [REDACTED] out to the main
10 hallway where Officer Fillmore and there was
11 another—I believe Officer Ferredi was right behind
12 me. Brought [REDACTED]—brought [REDACTED] to the back so that
13 they could secure [REDACTED]. I secured—I had the EIRW
14 still pointed in the bedroom, still covering the
15 bedroom since it wasn't clear yet and until [REDACTED] was
16 cleared—sorry, until [REDACTED] was secured Officer
17 Fillmore then proceeded to clear the remaining
18 bedroom which was cleared eventually. We exited the
19 bedroom by that time I believe the medics had
20 already taken both bodies. So I mean that's pretty
21 much it.

22 SGT. WARNKE: At what point did you leave
23 the building?

24 ISON: Approximately five to ten minutes
25 later and we just wanted—we went, we double-
26 checked, we double-checked the bedroom. We double-

1 checked everything to make sure no one else was in
2 the building. Everything was secured. I left the
3 building and from there I was informed that both
4 the suspect that was on the floor and I believe the
5 initial caller which was probably the [REDACTED] and the
6 victim was already being transported to SFGH.

7 SGT. WARNKE: Where did you respond from?

8 ISON: I responded from the station.

9 SGT. WARNKE: From the station. Your
10 shift started at [REDACTED]. today?

11 ISON: That's correct.

12 SGT. WARNKE: So right out of the box you
13 were—

14 ISON: Right out of the box.

15 SGT. WARNKE: Okay. And you went there
16 and you hooked up with Officer—

17 ISON: Hernandez.

18 SGT. WARNKE: Hernandez. You decided to
19 wait for people and what was your reason for
20 entering?

21 ISON: We weren't sure if the whole—we
22 weren't sure if there was anybody else in the
23 building.

24 SGT. WARNKE: Did you know of anybody
25 that was in the building?

1 ISON: At that time, no, I did not. What
2 we did know that was that we did know that the
3 suspect was still in the building. Other than that
4 we didn't know whether there was any other victims
5 or any other person in the building.

6 SGT. WARNKE: And when you arrived did
7 you notice anything about the building itself?

8 ISON: It was a two-story building, like
9 two entries, one on top of the other. I guess
10 one's—I guess there was one separate door for the
11 upstairs and there was another separate door for
12 the middle floor.

13 SGT. WARNKE: As you're approaching it
14 did you notice anything that was—seemed?

15 ISON: Yeah, there was multiple blood
16 splatter on the ground.

17 SGT. WARNKE: Did you know who the blood
18 was from?

19 ISON: No.

20 SGT. WARNKE: [unintelligible] point
21 because you has the EIRW. Officer Hernandez was
22 your—

23 ISON: Cover.

24 SGT. WARNKE: Your cover. And is that
25 standard to have a cover?

26 ISON: Yes.

1 SGT. WARNKE: Okay. So you go in, you
2 went up clearing rooms. Was Officer Heppler in
3 uniform or plainclothes?
4 ISON: He was in plainclothes.
5 SGT. WARNKE: Do you remember what he was
6 wearing?
7 ISON: I believe he was wearing a blue
8 hoodie and blue jeans.
9 SGT. WARNKE: Did he have a Star? Did you
10 see a Star?
11 ISON: I believe he had his Star out, his
12 medallion.
13 SGT. WARNKE: And who was he with?
14 ISON: He was with Officer Corosco.
15 SGT. WARNKE: And how was Officer
16 Corosco?
17 ISON: He was also dressed in
18 plainclothes.
19 SGT. WARNKE: Do you remember what he was
20 wearing?
21 ISON: Unfortunately, no.
22 SGT. WARNKE: Do you recall if his star
23 was out or not?
24 ISON: I believe it was, yes.
25 SGT. WARNKE: Do you remember any other
26 officers who were there?

1 ISON: I believe Officer Fillmore was—
2 Officer Fillmore was also with me.
3 SGT. WARNKE: Officer Fillmore.
4 ISON: Yes.
5 SGT. WARNKE: Okay. Anybody else?
6 ISON: I wasn't sure when Officer Ferredi
7 arrived.
8 SGT. WARNKE: Okay. So prior to—how close
9 were you when you discharged the EIRW?
10 ISON: I would say approximately five
11 feet, maybe less.
12 SGT. WARNKE: And the suspect—what did
13 the suspect have?
14 ISON: I saw a knife in the hand.
15 SGT. WARNKE: Do you remember which hand?
16 ISON: Well, since I had only one side of
17 the view I could only see [REDACTED] left hand and I saw a
18 knife there.
19 SGT. WARNKE: Can you show—show us the
20 motion where [REDACTED] hand was, a position [REDACTED] hand was
21 in.
22 ISON: [REDACTED] was like this.
23 SGT. WARNKE: Okay. And you're holding
24 two hands up, both are clenched, and you said you
25 saw something in [REDACTED]
26 ISON: I saw this—I know I saw this hand.

1 SGT. WARNKE: Okay, what did you see in
2 it?

3 ISON: I saw a silver—what appeared to be
4 a silver knife in [REDACTED] hand.

5 SGT. WARNKE: A silver knife in [REDACTED] hand,
6 okay. Was it silver, what part of it was silver?

7 ISON: The blade part.

8 SGT. WARNKE: The blade.

9 ISON: Yes.

10 SGT. WARNKE: I'm showing you a photo and
11 there's evidence marker six, there's two knives,
12 I'm going to show that to you.

13 ISON: Okay.

14 SGT. WARNKE: Okay, do you recognize?

15 ISON: I couldn't tell you which knife it
16 was.

17 SGT. WARNKE: Okay. I'm going to show you
18 another photo. This is a photo, it's the hallway.
19 Office Wayland is in it. There's a picture of Van
20 Ness and there's evidence market two. Can you show
21 us where you were standing when you fired the EIRW
22 if it's in that photo.

23 ISON: It's not in this photo but it is in
24 the doorway that is to the right of the photo and I
25 was in the—I was inside this room facing
26 perpendicular out towards the hallway.

1 SGT. WARNKE: So you're actually in the
2 room?
3 ISON: I was actually in the room at the
4 time.
5 SGT. WARNKE: And there's—Sergeant
6 Wayland is in the photo. Was that the direction you
7 were pointing the EIRW?
8 ISON: Yes, I was directly pointing the
9 EIRW directly across from that, yes.
10 SGT. WARNKE: What position was the
11 weapon in?
12 ISON: It was at shoulder.
13 SGT. WARNKE: Shoulder.
14 ISON: Yes.
15 SGT. WARNKE: Okay. And how close was the
16 person that you saw with the knife when you—
17 ISON: Like I said, approximately five
18 feet, maybe less.
19 SGT. WARNKE: Okay. Do you remember where
20 your—was it a zone one or zone two—was it up high
21 or?
22 ISON: I believe it was zone-chest high so
23 two.
24 SGT. WARNKE: Where do you think—okay,
25 where do you think you—do you think you hit the
26 suspect?

1 ISON: I believe I hit the suspect
2 probably on the left—on the left torso, left upper
3 body I believe.

4 SGT. WARNKE: Okay. And you said Officer
5 Heppler, you believe it was simultaneously shot.

6 ISON: I believe, yes.

7 SGT. WARNKE: And where in that picture
8 do you think Officer Heppler was?

9 ISON: Office Officer Heppler was probably
10 where the picture is being taken.

11 SGT. WARNKE: Probably where the—

12 ISON: Yeah, so the person taking the
13 picture is probably, he's back here.

14 SGT. WARNKE: Okay.

15 ISON: He's actually from what I saw was
16 he was backing up and it looked like he was about
17 to enter the front foyer area that I was
18 describing.

19 SGT. WARNKE: So the direction we agree
20 is to the west of—would be down the hallway to the
21 west as opposed to—see this back door.

22 ISON: Right.

23 SGT. WARNKE: Okay. The other direction,
24 is that correct?

25 ISON: Yes.

1 SGT. WARNKE: Okay, all right. And you
2 heard Officer Heppler giving commands?
3 ISON: Yes.
4 SGT. WARNKE: Why did you shoot the EIRW?
5 ISON: I believe that I had a clear shot
6 and believe I could actually stop [REDACTED] if I had a
7 clear shot from [REDACTED] from the side. And if I could
8 stop [REDACTED] from charging further I believe we would
9 have had a chance to disarm [REDACTED] [unintelligible]
10 SGT. WARNKE: Okay. How did you feel?
11 What were you thinking?
12 ISON: I, elaborate further, what do you
13 mean?
14 SGT. WARNKE: Sure. What were you
15 thinking? You've got a [REDACTED] with a knife, you have
16 the EIRW?
17 ISON: I was hoping to like stop [REDACTED] from
18 charging any further.
19 SGT. WARNKE: Well, what do you think
20 would happen if you didn't do that?
21 ISON: If I didn't do that I believe that
22 [REDACTED] was going to charge further and try to stab
23 Officer Heppler.
24 SGT. WARNKE: Okay. Did this person ever
25 say anything?
26 ISON: I didn't hear [REDACTED] say anything.

1 SGT. WARNKE: Sergeant Braconi.

2 SGT. BRACONI: Yeah, I think you've

3 answered most of my questions. Just to clarify,

4 when you were at the station and you first heard

5 the call come out had you loaded your vehicle with

6 the EIRW or did you grab it on the way out?

7 ISON: I was in process. I was actually on

8 the way out to my vehicle.

9 SGT. BRACONI: So you had already decided

10 you were going to have EIRW in your vehicle.

11 ISON: That's correct.

12 SGT. BRACONI: And then the call comes

13 out, then you get in your vehicle and go.

14 ISON: Right. The procedure for me is I

15 always grab the EIRW trauma kit, my battery, and

16 the vehicle keys.

17 SGT. BRACONI: You already clarified you

18 saw a knife in the suspect's left hand but you're

19 not sure what you saw in the right hand.

20 ISON: No.

21 SGT. BRACONI: Okay. When you fired the

22 EIRW did the suspect slow at all?

23 ISON: I didn't see [REDACTED] slow at all.

24 SGT. BRACONI: So either it didn't hit [REDACTED]

25 or it had no affect on [REDACTED], one of the other,

26 you're not sure.

1 ISON: That's correct.

2 SGT. BRACONI: Okay. That's all I have.

3 Thank you.

4 MSPK: At some point you had said the
5 medics had cleared the two people at the scene and
6 I was just curious about the timing. In other words
7 were the medics in the home at any time while
8 activity was still going on?

9 ISON: I couldn't tell you because at the
10 time I was clearing the remaining bedroom with
11 Officer Fillmore—I'm sorry, the remainder of the
12 house.

13 MSPK: Okay. So would—actually, I have no
14 further questions for you, thanks.

15 ISON: Okay.

16 SGT. WARNKE: Shae?

17 SHEA: I have no questions.

18 SGT. WARNKE: Okay. It's approximately
19 1645 hours and we'll conclude this interview.

20 **END OF DOCUMENT**

1 SGT. WARNKE: This is Sergeant Warnke,
2 Star Number 1397 with the San Francisco Police
3 Department. Today is Monday, October 3rd, 2011.
4 It's approximately 1655 hours. We're in the
5 Homicide Detail interview room at the Hall of
6 Justice at 850 Bryant Street. This is an interview
7 regarding Case Number 110 796 498. Present with me
8 is-

9 SGT. BRACONI: Sergeant Braconi, Star
10 2246, with the Homicide Detail.

11 QUESADA: Investigator Jim Quesada, San
12 Francisco DA 7044.

13 SULLIVAN: And Mike Sullivan, Assistant
14 District Attorney.

15 SHEA: Christopher Shea, attorney with the
16 Police Officers Association.

17 SGT. WARNKE: And Officer Heppler, first
18 name?

19 HEPPLER: William.

20 SGT. WARNKE: How do you spell Heppler?

21 HEPPLER: H-e-p as in Paul another p-l-e-
22 r. The Star is 1726.

23 SGT. WARNKE: 1726. And just so we're
24 all clear this is a voluntary statement. You're
25 here with counsel.

26 HEPPLER: Yes.

1 SGT. WARNKE: Is that understood?
2 HEPPLER: Yes.
3 SGT. WARNKE: And you're prepared to be
4 interviewed?
5 HEPPLER: Yes.
6 SGT. WARNKE: Okay. Do you—I just have to
7 ask you a few questions here. Do you remember your
8 date of entry into the Department?
9 HEPPLER: [REDACTED]
10 SGT. WARNKE: And what's your current
11 assignment?
12 HEPPLER: Richmond Station.
13 SGT. WARNKE: How long have you been at
14 Richmond?
15 HEPPLER: Since May, I think end of May of
16 [REDACTED].
17 SGT. WARNKE: May of [REDACTED]. And prior to
18 that?
19 HEPPLER: Mission.
20 SGT. WARNKE: Mission.
21 HEPPLER: And Northern before that.
22 SGT. WARNKE: What did you do at Mission?
23 HEPPLER: Patrol.
24 SGT. WARNKE: Patrol. Was that—was it a
25 probation station?
26 HEPPLER: Probationary station.

1 SGT. WARNKE: Okay. And you trained at
2 Northern?
3 HEPPLER: Yeah.
4 SGT. WARNKE: And what shift were you
5 working today?
6 HEPPLER: Day shift, [REDACTED]
7 SGT. WARNKE: Were you in uniform or
8 plainclothes?
9 HEPPLER: Plainclothes.
10 SGT. WARNKE: Who were you working with?
11 HEPPLER: Officer Tory Corosco, Star
12 Number 1599.
13 SGT. WARNKE: And what about your Star
14 Number. I mean, I'm sorry, your call sign?
15 HEPPLER: 3 George 35.
16 SGT. WARNKE: 3 George 35. And you were
17 in plainclothes. What were you wearing?
18 HEPPLER: This pretty much.
19 SGT. WARNKE: Were you wearing that
20 sweatshirt?
21 HEPPLER: Yeah, I was wearing this
22 sweatshirt.
23 SGT. WARNKE: Okay. So you're wearing a
24 blue hoodie sweatshirt with the white.
25 HEPPLER: Yeah, Element logo on it.
26 SGT. WARNKE: Element logo on it.

1 HEPPLER: Blue jeans, black shoes.

2 SGT. WARNKE: Blue jeans and black tennis
3 shoes?

4 HEPPLER: Yeah.

5 SGT. WARNKE: What equipment were you
6 carrying with you?

7 HEPPLER: I had my 221, handcuffs with an
8 extra mag case, my OC, and T's with my whistle on
9 it, and my Star was on my outermost clothing before
10 we went in there.

11 SGT. WARNKE: Is that what you were
12 wearing, there's a—I've worked plainclothes before.
13 Is it on you right now?

14 HEPPLER: My Star?

15 SGT. WARNKE: Yeah.

16 HEPPLER: Yeah. And I also had a jersey on
17 underneath that I've taken it. It was a Washington
18 Nationals jersey but this was my Star holder with
19 the chain on it.

20 SGT. WARNKE: Okay. And you used the
21 phrase 221. Could you—

22 HEPPLER: My firearm, Department-issued
23 firearm.

24 SGT. WARNKE: And what type of firearm
25 was that?

26 HEPPLER: Seasaur P229.

1 SGT. WARNKE: Just after 7:15 this
2 morning there was an incident that occurred on the
3 600 block of Funston. Can you tell us what happened
4 in regards to your involvement?

5 HEPPLER: We got a call that an [REDACTED]
6 [REDACTED] or a neighbor of an [REDACTED] [REDACTED] at
7 that address was stabbed in the hand and [REDACTED]
8 was possible the one that stabbed [REDACTED] and [REDACTED] was
9 bleeding from [REDACTED] hand, so assault with a knife,
10 and A-priority, 219, stabbing. We came up for the
11 call, drove there in our unmarked car. When we
12 arrived fire trucks were already on the scene and
13 officers—Officer Hernandez was on the scene and
14 Officer Wong was on the scene and Sergeant—I
15 believe Sergeant Gregg was there as well and we
16 arrived and we stacked at the front door, or we got
17 in a line at the front door. I was behind Office
18 Corosco, we both had our Stars out on our outermost
19 clothing. I believe Jason Hernandez was first in
20 line, then Kevin Ison who had the ERW, was second,
21 then Corosco, then me and then Sergeant Gregg was
22 right behind me. In the entryway there was blood
23 all over the entryway, I noticed that, and then we
24 started going up the stairs and I noticed there was
25 blood on the railing on the stairs, made note of
26 that to Sergeant Gregg who was going to put his

1 hand on the railing. Went up the stairs in a
2 fashion to clear the house. Everyone—I had my gun
3 at my low ready because the other officers in front
4 of me had their guns up looking at the—up the
5 stairs. When we got to the top of the stairs we saw
6 that there was an [REDACTED] [REDACTED] facedown laying in
7 the hallway and [REDACTED] wasn't moving and Officer Ison
8 and Officer Hernandez went—this is kind of hard to
9 explain but—so at the—you go in the entryway of
10 this house and it immediately goes upstairs and
11 there's a little landing and then there's a hallway
12 that goes down and bedrooms on the left-hand side
13 or rooms on the left-hand side, and there's a
14 kitchen and there's a living—there's a living room
15 on this side towards the right in the back. So
16 Office Ison and Officer Hernandez they went into
17 the kitchen to clear that room and Officer Corosco
18 was in front looking down the hallway and I was
19 right, had his gun downrange at the hallway to
20 clear that room and make sure no one comes out. And
21 I was next to him with my gun at the low ready
22 behind him. We see a [REDACTED] an [REDACTED] I don't know,
23 maybe 20, 30, I don't know how old [REDACTED] was. She
24 goes across at the very end of the hallway across
25 into a room and we start yelling 'Come out. Police.
26 SFPD, SFPD, come out with your hands up. Come out

1 with your hands up.' No response, nothing. Troy,
2 Officer Corosco says he's going to reholster his
3 weapon and try to give aid, render aid to the
4 victim on the ground by pulling [REDACTED] out of the way
5 of the hallway. So I take my gun from the low ready
6 and I go down the hallways with it and he pulls he,
7 starts pulling [REDACTED] out and I'm yelling 'SFPD. Come
8 out with your hand up. Come out with your hands
9 up.' He pulls [REDACTED] away. As I'm looking down the
10 hallway because I'm thinking that [REDACTED] in there,
11 [REDACTED] might be the possible suspect that stabbed this
12 [REDACTED] [REDACTED] [REDACTED], [REDACTED] year old, comes
13 out of a room because there was a door probably I
14 don't know how many feet or what not but real close
15 to me, maybe just right here at the top of the
16 stairs, from here to the end of the room. And [REDACTED]
17 just pops out with a knife in [REDACTED] hand and-and [REDACTED]
18 kind of got this glazed look on [REDACTED] face. Just like
19 dead eyes and [REDACTED] has [REDACTED] knife and [REDACTED] raises [REDACTED]
20 hand and I saw drop it, drop the knife, drop the
21 knife, police officer. And I start to back up, back
22 pedal a little bit. And I back-passed and [REDACTED] just
23 starts charging me and then I shot [REDACTED] I was in my
24 opinion and what I was feeling there was an
25 imminent threat to my safety and the safety of
26 other officer at the scene and my life and I wanted

1 to stop the threat so I-I don't know how many
2 rounds I fired but I shot [REDACTED]

3 SGT. WARNKE: Okay, okay.

4 HEPPLER: That's about it. And then they
5 kind of whisked me out of the house.

6 SGT. WARNKE: Okay. All right. So when
7 you first got there you mentioned you guys stacked
8 on the front door.

9 HEPPLER: Yeah.

10 SGT. WARNKE: And you noticed a lot of
11 blood.

12 HEPPLER: Yeah.

13 SGT. WARNKE: Was this the entranceway?

14 HEPPLER: Yes.

15 SGT. WARNKE: And now you said that [REDACTED]
16 had a knife. Do you remember which hand [REDACTED] had the
17 knife in?

18 HEPPLER: Oh God, I can't say for certain.

19 SGT. WARNKE: Okay. Do you remember
20 which-so you don't remember-do you know what
21 position?

22 HEPPLER: If I stood up.

23 SGT. WARNKE: Go ahead, go ahead, you can
24 do that.

25 HEPPLER: Yeah.

26 SGT. WARNKE: Now you're standing up.

1 HEPPLER: So it comes out and just kind of
2 like that. And I think it was in this hand.

3 SGT. WARNKE: Okay. So was the knife
4 pointed in your direction if you recall, was it
5 pointed up or down or at your direction or-if you
6 recall.

7 HEPPLER: I can't say for certain, I'm
8 sorry. I just remember seeing a knife and it coming
9 up and it started charging me and I kind of-yelling
10 stop I started zeroing in on center mass and [REDACTED]
11 came towards me and that was it.

12 SGT. WARNKE: Were you cognizant of where
13 any of the other officers who you were with? I mean
14 do you know where Officer Corosco was?

15 HEPPLER: I knew Officer Corosco was to my
16 left pulling the [REDACTED] out of the way, he wasn't in
17 front of me or anything and I knew the other two
18 officers were in the room, in the kitchen area but
19 I didn't peripherally like see them after I saw the
20 [REDACTED] coming at me with a knife.

21 SGT. WARNKE: How close did he get to you
22 before you shot [REDACTED]

23 HEPPLER: So at first we were probably
24 about that close and I-and then probably about
25 right here.

1 SGT. WARNKE: Okay. So you're making—you
2 set up and you're kind of doing a reenactment with—
3 it's okay, with ADA Sullivan.

4 HEPPLER: Do you [unintelligible]

5 SGT. WARNKE: That's okay. Go back there.
6 I'm just trying to get a measurement now.

7 HEPPLER: Okay. So if this is doorway [REDACTED]
8 pops out right here and takes a step towards me and
9 I back up, stop, stop, all right put it down, put
10 down, SFPD put it down. I start backing up and he
11 starts to come at me.

12 SGT. WARNKE: [REDACTED] was coming at you?

13 HEPPLER: [REDACTED] was coming at me.

14 SGT. WARNKE: With the knife?

15 HEPPLER: Yeah, towards me.

16 SGT. WARNKE: And you already had
17 information that there was a person who was a
18 suspect?

19 HEPPLER: I had information that there was
20 a [REDACTED] an [REDACTED] [REDACTED] years old from
21 Dispatch had possibly cut [REDACTED] or stabbed [REDACTED]
22 [REDACTED] and then there was an [REDACTED], maybe
23 about [REDACTED] [REDACTED] not moving on the floor.
24 So I—I kind of had the suspicion that [REDACTED] was the
25 one who stabbed and may possibly have killed [REDACTED] I

1 didn't know if [REDACTED] was breathing or not at this
2 point, but...

3 SGT. WARNKE: And you mentioned you were
4 in fear of you and other people?

5 HEPPLER: I was in fear of my safety that
6 [REDACTED] was going to possibly stab me or as I was
7 backing up maybe b-line toward Officer Corosco who
8 was helping [REDACTED] or not. So I had fear for my
9 partner's safety as well.

10 SGT. WARNKE: Did anybody else fire that
11 you know of?

12 HEPPLER: Not that I know of.

13 SGT. WARNKE: Okay. Sergeant Braconi.

14 SGT. BRACONI: When you-when you-well, let
15 me just start here. So you saw both of the
16 suspect's hands and they were kind of up, you know,
17 maybe at shoulder length or higher.

18 HEPPLER: Yeah.

19 SGT. BRACONI: Did you see what was in
20 both hands? Did you see if [REDACTED] had a knife in either
21 hand or if [REDACTED] had more than one knife or do you
22 remember?

23 HEPPLER: I remember seeing a knife in one
24 of [REDACTED] hands. I though [REDACTED] might have had something
25 in the other hand but I kind of transfixed on the
26 knife which I believe was in this hand.

1 SGT. BRACONI: And one was higher than the
2 other? One hand was higher than the other? The way
3 you keep describing it I see the right hand a
4 little bit higher than the left hand. Do you
5 remember if that was the case or not?

6 HEPPLER: Not especially, I couldn't say
7 like one was—one hand was down there and one was up
8 here.

9 SGT. BRACONI: You've indicated a couple
10 of times I think it was in this hand and you're
11 indicating your right hand, is that—

12 HEPPLER: That's what I mean from the
13 mental image I have in my head from what happened
14 but—

15 SGT. BRACONI: And that's all we can ask
16 of you.

17 SGT. BRACONI: Sergeant Warnke did you
18 want to show?

19 SGT. WARNKE: I did, yeah, this is a
20 photo, it's evidence marker #6, there's a couple
21 knives there.

22 SGT. BRACONI: Do those look familiar to
23 you at all?

24 HEPPLER: That one does, the bigger one.

1 SGT. BRACONI: Okay, the knives are kind
2 of crossed and there is one that is larger and you
3 recognize that knife?

4 HEPPLER: Yeah, I remember it had-I
5 remember a silver-ish blade but I remember the, I
6 thought it was a red hand, I think brownish with
7 maybe blood on it.

8 SGT. BRACONI: Now in this photo, sorry, I
9 should have showed you earlier, there's a photo
10 there, there's a hallway, Sergeant Wayland, there's
11 a photo of Van Ness. Do you recall in relation to
12 that where you were when you first saw [REDACTED] as you
13 say come out of the room?

14 HEPPLER: I was in the doorway.

15 SGT. BRACONI: You were in that doorway?

16 HEPPLER: Yeah.

17 SGT. BRACONI: Were you in the hallway or
18 in the doorway?

19 HEPPLER: I was parallel to Kate right
20 here in the door with my gun in the doorway.

21 SGT. BRACONI: You gun in the doorway.

22 HEPPLER: It's hard to say.

23 SGT. BRACONI: It's okay.

24 SGT. WARNKE: Your gun was downrange or
25 was in the doorway?

1 HEPPLER: Downrange but I'm trying to say
2 that I was—I wasn't like my—if this is the doorway
3 right here I'm not like this with my gun in here,
4 I'm like here with my gun in the doorway.

5 SGT. WARNKE: I got you. So your gun's at
6 the doorway and you're behind?

7 HEPPLER: Yes, exactly.

8 SGT. WARNKE: Okay. And at some point [REDACTED]
9 popped out of a—

10 HEPPLER: [REDACTED] popped out of like a room
11 which was right here.

12 SGT. WARNKE: Okay. And you're pointing to
13 the left side of the hallway, there is a—it looks
14 like the edge of a door that's visible, that is the
15 door that [REDACTED] popped out of?

16 HEPPLER: Popped out of the first door on
17 the left.

18 SGT. WARNKE: And where were you at that
19 point?

20 HEPPLER: I was right here when [REDACTED] popped
21 out. I took one step back and I saw [REDACTED].

22 SGT. WARNKE: Okay, now you're pointing,
23 you were in the middle of the hallway?

24 HEPPLER: Probably at the line with this.

1 SGT. WARNKE: At the line within the
2 banister up there. You were that close. You took a
3 step backwards.

4 HEPPLER: SFPD, drop the knife, drop it,
5 drop it, drop it. And then [REDACTED] started to rush me or
6 come towards me and then I took a couple steps back
7 and when I fired I was backpedaling I should say or
8 coming backwards.

9 SGT. WARNKE: And if you were to—how many
10 feet do you think you were when you actually shot
11 [REDACTED] feet away from [REDACTED]?—

12 HEPPLER: I took a couple steps back
13 before I fired. Just instinct maybe hoping that [REDACTED]
14 would drop it but [REDACTED] didn't and then within,
15 probably within five to seven feet when I shot [REDACTED].

16 SGT. WARNKE: Okay. Had you ever been in
17 that residence before?

18 HEPPLER: No.

19 SGT. WARNKE: You ever seen those people?

20 HEPPLER: No.

21 SGT. WARNKE: Did you know what was
22 behind you? You're backpedaling, do you know—are
23 you cognizant at all okay I can keep going if I
24 want or?

25 HEPPLER: When we first entered I took a
26 look to the right and I knew that there was a

1 hallway with a living room back there. I didn't
2 check the floor to see if there was magazines or
3 something on the floor but I did know that there
4 was room behind it.

5 SGT. WARNKE: Okay. Sergeant Braconi.

6 SGT. BRACONI: Do you—I think maybe
7 Sergeant Warnke may have asked you but did [REDACTED] say
8 anything at all at that point, at any point, when
9 you came into contact with him?

10 HEPPLER: Nothing that I recall.

11 SGT. BRACONI: Okay. Did [REDACTED] make any
12 sounds?

13 HEPPLER: No.

14 SGT. BRACONI: Okay. Did [REDACTED] appear to be
15 focusing on you or you couldn't tell what [REDACTED] was
16 focusing on?

17 HEPPLER: From what I can recall [REDACTED] had a
18 dead stare right at me.

19 SGT. BRACONI: Kind of a blank stare?

20 HEPPLER: Blank kind of, yeah, it's hard—I
21 mean, you ever seen like one of those zombie
22 movies—that's maybe a bad analogy, I don't want to,
23 you know, someone who's deceased—say that about
24 someone who's deceased but just that kind of that,
25 you know, right, you know—just right at you.

1 SGT. BRACONI: So you giving orders didn't
2 seem to affect [REDACTED] in any way?

3 HEPPLER: No, [REDACTED] seemed to [REDACTED] kept coming
4 after my orders.

5 SGT. BRACONI: So you continually ordered
6 [REDACTED] to stop and drop the knife but you didn't seem
7 to get any noticeable reaction out of [REDACTED]

8 HEPPLER: None whatsoever.

9 SGT. BRACONI: Okay. Did you see any blood
10 on [REDACTED]—

11 HEPPLER: I think [REDACTED] had blood on [REDACTED]
12 shirt. I can't say exactly what [REDACTED] was wearing but
13 I think [REDACTED] had like a white t-shirt on or something
14 I think I remember seeing blood on [REDACTED] t-shirt.

15 SGT. BRACONI: Okay. I think that's all I
16 have, thanks.

17 MSPK: Office Heppler, from the time that
18 you went up to that hallway with the other
19 officers, from the time you got up there to the
20 point you saw [REDACTED] coming at you about how long
21 would you say transpired?

22 HEPPLER: My time's off now from that but
23 I—it was, it seemed real quick at this point, me
24 thinking about it now. There was enough time for—we
25 got up there, everyone looked, they cleared, went
26 to clear the kitchen, the other two officers, the

1 uniformed officers in the kitchen, enough for Troy
2 to pull the victim out of the way, out of the way
3 of the hallway but after that I don't know. It
4 happened real quickly.

5 MSPK: For that entire time yourself and
6 you heard other police officers announcing your
7 presence?

8 HEPPLER: Yes.

9 MSPK: Okay. And from the time that you
10 saw the [REDACTED] come out of the door with the knife, at
11 least one knife, and you're pointing your firearm
12 at [REDACTED] do you know if there were any other officers
13 behind you or you just don't know.

14 HEPPLER: To my-like directly behind me in
15 the hallway?

16 MSPK: Yes.

17 HEPPLER: Not, I don't believe so but I
18 couldn't say for-when I'm backpedaling I know there
19 was no one behind me but I know that like Sergeant
20 Greggs was still on the stair landing over there on
21 the left.

22 MSPK: Okay. But from the time you saw [REDACTED]
23 how many seconds or how much time do you think
24 passed from you seeing [REDACTED] with the knife to
25 actually firing your weapon?

1 HEPPLER: Just—just enough time for me to
2 say, you know, SFPD drop the knife, drop the knife,
3 and me take two steps back and then [REDACTED] not, not
4 complying.

5 MSPK: I have no more questions.

6 MSPK2: one I wanted to ask you a question
7 about a phrase you used, you said going down the
8 hallway and I want to make sure I understand what
9 you were saying. At the time that Officer Corosco
10 was pulling the [REDACTED] victim towards the stairs
11 you had motioned that you had gone from what
12 appeared to be the low ready up to maybe a high
13 ready position and when you say go down the hallway
14 is that fair to say that you meant you aimed your
15 firearm down the hallway?

16 HEPPLER: You mean when I said downrange?

17 MSPK2: Yeah.

18 HEPPLER: Yeah, I'm sorry, aiming my
19 firearm downrange in case what we thought, what I
20 thought was the primary, one of the primary
21 suspects went in the back bedroom there, came out
22 with a gun or a firearm or a knife or something.

23 MSPK2: You're just providing coverage?

24 HEPPLER: I was covering Officer Corosco
25 in case something—yeah, exactly.

1 MSPK2: And just to make sure I understand
2 you, you didn't move down the hallway, you simply
3 stayed where you were and aimed your firearm down
4 the hallway?

5 HEPPLER: Correct.

6 MSPK2: All right. And then Officer
7 Corosco pulled the [REDACTED] by you and it was after
8 that time maybe even as it was happening, that's
9 when the subject came out of the doorway, is that
10 correct?

11 HEPPLER: Yeah, yes it's correct.

12 MSPK2: When you first saw [REDACTED] do you
13 recall where [REDACTED] hands were?

14 HEPPLER: I have an image in my mind of
15 replaying this that they were mid, kind of down,
16 and then when [REDACTED] first came out like this but when
17 [REDACTED] opened the door, came out and then immediately
18 raised them, raised I think this one up.

19 MSPK2: Let me stop you to make sure I'm
20 getting everything right. So what you're done is
21 you've motioned your hands around to your side,
22 maybe about even six inches to eight inches off
23 your hips and then they're down at your hips and
24 you kind of bring them forward. Is that accurate?

25 HEPPLER: I couldn't say, sir. I mean-up,
26 I'm doing this exactly, you know if you say that's

1 the exact motion [REDACTED] did I can't say with certainty
2 but [REDACTED] brought [REDACTED] hands up and came towards me.
3 No, [REDACTED] didn't just come out of the room with [REDACTED]
4 hands in the air, [REDACTED] didn't come out of the room
5 keeping [REDACTED] hands here and come towards me. [REDACTED]
6 brought [REDACTED] hands with [REDACTED] hands at a lower
7 position and then up and came towards me.

8 MSPK2: And when you've done that you've
9 got your fists held up and it's with the thumb of
10 your fist facing your face and the bottom of the
11 hand facing away, is that accurate?

12 HEPPLER: Yes.

13 MSPK2: And so at the time that [REDACTED]
14 raising [REDACTED] fists up is he also moving towards you?

15 HEPPLER: Yes.

16 MSPK2: And somewhere in here you saw a
17 knife in one of the hands and then were you able to
18 focus on [REDACTED] face at this point?

19 HEPPLER: I remember recognizing that it
20 was an [REDACTED] but then I started to focus on
21 [unintelligible] when I felt the imminent threat to
22 my life and safety I focused more the center mass
23 of the individual.

24 MSPK2: Do you recall—you may or may not
25 remember but do you recall if [REDACTED] was looking
26 directly at you a [REDACTED] was coming down the hallway?

1 HEPPLER: When [REDACTED] first came out and I saw
2 [REDACTED] from what I recall [REDACTED] looked directly at me
3 because like I said before I remember seeing that
4 [REDACTED] eyes and having that dead stare and then when I
5 was yelling I started transfixing on [REDACTED] chest
6 because I was feeling the threat that I might have
7 to take-stop the threat.

8 MSPK2: Okay. Did you see [REDACTED] look
9 anywhere other than directly at you?

10 HEPPLER: No.

11 MSPK2: And what were you feeling as [REDACTED]
12 came down the hallway looking at you in the manner
13 you've described?

14 HEPPLER: I was feeling fear for my life
15 and safety and for my partner as well because I
16 knew [REDACTED] was close to me and close to the [REDACTED]

17 MSPK2: And you put your hand out to your
18 left, is that Officer?

19 HEPPLER: Yeah, he was Officer Corosco to
20 the left.

21 MSPK2: And would he have been-where would
22 he have been at this time, how close to you?

23 HEPPLER: I was-he was lower in pulling
24 the [REDACTED] out and there was a landing here so real,
25 within one or two feet but I couldn't tell you
26 exactly because I was fixed up, my eyes were fixed

1 up and he was down but it's one of those things
2 where you kind of have a sense of feeling where
3 people are and I knew what he was doing so I knew
4 he was still close to me and he wasn't moving the
5 [REDACTED] very far.

6 MSPK2: And were you still covering
7 Officer Corosco at this point?

8 HEPPLER: Yes.

9 MSPK2: And do you know whether Officer
10 Corosco had to put his firearm away or whether he
11 was still holding it out?

12 HEPPLER: No, reholstered his firearm
13 before he started to render-pull the [REDACTED] [REDACTED]
14 out of the way.

15 MSPK2: And was there anyone else between
16 Officer Corosco and the suspect at the time that
17 you fired?

18 HEPPLER: No.

19 MSPK2: Thank.

20 SGT. WARNKE: I'm going to show you
21 another photo, it's a different angle and this is
22 facing towards, well this one is. Can you-why don't
23 you describe, tell us what you see if you could.

24 HEPPLER: That's the door [REDACTED] came out of I
25 believe.

1 SGT. WARNKE: Okay, that's the door [REDACTED]
2 came out of, okay.
3 HEPPLER: I don't know, I can't tell from
4 this but there was a door here. If this was a door
5 on the left-hand side, I don't know how deep this
6 goes.
7 SGT. WARNKE: Let me orient you. See this
8 banister right here?
9 HEPPLER: Uh-huh.
10 SGT. WARNKE: That banister, this is the
11 stairwell, this comes up and this is the landing on
12 the right side.
13 HEPPLER: There's a door somewhere here
14 that [REDACTED] popped out of, I should say. I can't tell
15 if that's the exact [unintelligible]
16 SGT. WARNKE: There is a door right
17 there, okay.
18 HEPPLER: I'm not sure if that goes into
19 the room.
20 SGT. WARNKE: You see these evidence
21 markers, two, three, four, five and six?
22 HEPPLER: Uh-huh.
23 SGT. WARNKE: You see those?
24 HEPPLER: Yeah.
25 SGT. WARNKE: Okay. Do you remember
26 whereabouts you were in relation to those?

1 HEPPLER: I—at the end of the incident?
2 SGT. WARNKE: Yes, when you fired?
3 HEPPLER: Back here.
4 SGT. WARNKE: Back there, and you're
5 pointing—
6 HEPPLER: Right where these are.
7 SGT. WARNKE: Right near about four,
8 five, and six, in that area.
9 HEPPLER: Yeah.
10 SGT. WARNKE: And do you recall where [REDACTED]
11 was?
12 HEPPLER: [REDACTED] fell somewhere right about
13 here.
14 SGT. WARNKE: [REDACTED] fell right in the same
15 area?
16 HEPPLER: Yeah, face first.
17 SGT. WARNKE: Okay. I don't have any--
18 MSPK: You know, I should follow up and
19 ask you one last question. It will come up later
20 through CSI. Did you load your firearm with
21 standard issue rounds issued by the Department?
22 HEPPLER: Yes, sir. The last time I went
23 to the range.
24 SGT. WARNKE: Sergeant Braconi?
25 SGT. BRACONI: No, I think we're good.

1 SGT. WARNKE: Okay, it's approximately
2 1718.
3 **END OF DOCUMENT**

Memorandum

San Francisco Police Department



To: Captain Simon Silverman #1543
Commanding Officer
Richmond Station

From: Lieutenant Robert C. Yick #1264
Commanding Officer
Internal Affairs Division

APPROVED	YES	NO
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

Date: Thursday, February 13, 2014

Subject: Disposition of I.A.D. Case #OIS-11-006

TYPE OF COMPLAINT: Officer Involved Shooting

MEMBER: Officer William Heppler # 1726

The complaint of Officer-Involved Shooting has been classified **IN POLICY/WITH NO FURTHER ACTION** by the Chief of Police.

Copy: Officer William Heppler #1726

/ml

**INTERNAL AFFAIRS DIVISION
CASE EVALUATION**

Evaluation by Sergeant John Crudo #1694
IAD O.I.S. Case #11-006

January 17, 2014

Lt. Robert Yick #1264

MEMBER INVOLVED:

Officer William Heppler #1726

INCIDENT:

Officer-Involved Shooting

FINDINGS:

On Monday, October 3, 2011 at approximately 0716 hours, units from Richmond Station responded to an A-priority report of a stabbing at [REDACTED] Funston Street. Upon arrival, officers discovered [REDACTED] in front of the address bleeding from [REDACTED] hands. [REDACTED] stated that [REDACTED] had attacked [REDACTED] with a knife and was still inside the residence. In response to their initial investigation, [REDACTED] informed officers that [REDACTED] suffered from [REDACTED].

Responding officers prepared to enter the premise in order to protect others still inside the apartment. They formed a stack. Uniformed officer Jason Hernandez #1608 (3G1A) was first in line, followed by uniformed officer Kevin Ison #176 (3G28)—armed with the Extended Range Impact Weapon—then plainclothes officers Troy Carrasco #1599, and his partner, William Heppler #1726 (3G35). At the rear were uniformed officer Joe Filamor #213 (3G4A) and Sergeant Lawrence Gray #1304 (3G104). As the officers made entry, they repeatedly announced themselves and called for the suspect to exit and surrender.

The officers began moving to contact. Upon reaching the top of an interior stairway, they discovered a second victim, later identified as [REDACTED] was lying motionless in the hallway, bleeding profusely from multiple stab wounds. [REDACTED] was emitting “gurgling” sounds. Officer Carrasco holstered his weapon and told Officer Heppler to cover him while he rendered emergency aid to the [REDACTED]. At the far end of the hall, the officers saw a [REDACTED]—later identified as the suspect’s [REDACTED] leaving one room, cross the hallway, and enter another. [REDACTED] ignored the yelling officers, and the officers thought [REDACTED] might be the suspect.

A moment later, as Officer Carrasco was tending to [REDACTED] a nearby door opened and [REDACTED] emerged, only five to seven feet from Officers Carrasco and Heppler. [REDACTED] was holding a knife in each of [REDACTED] hands. Officers in the stack repeatedly yelled at [REDACTED] to “drop the knife,” but [REDACTED] raised both hands as fists above [REDACTED] shoulders in an attack posture and closed in on Officer Heppler.

Officer Heppler described the suspect as having a “dead” and “vacant” look in [REDACTED] eyes, and his commands did not appear to register with the suspect. Officer Heppler backed pedaled until he felt like he had no other option but to fire his weapon. Officer Heppler said he was afraid and feared for his life. He fired his weapon two times, mortally striking [REDACTED] who immediately collapsed.

[REDACTED] and [REDACTED] were subsequently transported to the San Francisco General Hospital emergency room, where each was pronounced dead. Forensic evidence was collected at the scene and analyzed by Crime Scene Investigations, and this data reviewed for the investigation.

Subsequent autopsies by the Medical Examiner determined that [REDACTED] succumbed to two gunshot wounds to the torso, as well as five self-inflicted straight edge wounds. [REDACTED] died as the result of more than 30 separate stab wounds to the head, neck, and upper body, inflicted by [REDACTED]

Two bullets were recovered (one from [REDACTED] by the Medical Examiner, the other at the scene by CSI), and both were determined to have been fired from Officer Heppler’s weapon.

A criminal investigation was initiated by the Homicide Detail and the Office of the District Attorney. The Homicide Detail’s findings were forwarded to the Office of the District Attorney, who reviewed them in conjunction with their own investigative conclusions. In his charging decision letter, District Attorney George Gascon wrote:

The facts in the present case indicate Officer Heppler fired his weapon at [REDACTED] from a distance of about 5 to 7 feet as [REDACTED] ignored Officer Heppler’s commands to “Drop the knife” and continued to move directly towards Officer Heppler with two knives held outward. Officer Heppler was aware at the time that Officer Carrasco was approximately two feet to his left, trying to move [REDACTED] down the stairs. He also knew that [REDACTED] said [REDACTED] attacked [REDACTED] with a knife, and he had reason to believe that [REDACTED] was responsible for [REDACTED] grave injuries.

It was reasonable for Officer Heppler to fire at [REDACTED] to protect himself, the other officers and [REDACTED]. It is our conclusion that Officer Heppler acted lawfully.

An administrative investigation was initiated by then-Sergeant Michael Nevin #166 and Sergeant Martha Juarez #1800, of the Internal Affairs Division. This case was subsequently completed by then-Sergeant Timothy Paine #763. The investigation concluded that Officer Heppler’s actions were in accordance with Penal Code 835a, Department General Order 5.01, *Use of Force* and Department General Order 5.02, *Use*

of Firearms. Section I.C of Department General Order 5.02, *Use of Firearms* (as revised 3/16/11) states, in part:

C. DISCHARGE OF FIREARMS

1. PERMISSIBLE CIRCUMSTANCES. Except as limited by Sections C.4 and C.5, an officer may discharge a firearm in any of the following circumstances:
 - a. In self-defense when the officer has reasonable cause to believe that he or [REDACTED] is in imminent danger of death or serious bodily injury. .
 - b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an imminent danger of death or serious bodily injury to the officer or any other person.
 - c. To apprehend a person when both of the following circumstances exist:
 - (1) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of force; AND
 - (2) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.

The findings of this investigation establish a preponderance of evidence that Officer William Heppeler #1726 discharged his weapon in accordance with Department General Orders 5.01 and 5.02.

As a result of this investigation, IAD recommended that Officer Heppeler's actions on October 3, 2011 be found **Proper Conduct** and **In Policy**.

The Firearm Discharge Review Board (4th Quarter 2013) convened on January 14, 2014 and reviewed the criminal and administrative findings in this case. The FDRB unanimously recommended a finding of **Proper Conduct/In Policy** and forwarded this recommendation to the Chief of Police.

RECOMMENDATION:

Officer William Heppeler #1726

Proper Conduct/In Policy
No Further Action



EDWIN M. LEE
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603



GREGORY P. SUHR
CHIEF OF POLICE

January 23rd 2014

The Commanding Officer of the Internal Affairs Division recommends that this case be classified as indicated:

RECOMMENDATION:

Officer William Heppler #1726

Officer-Involved Shooting
Proper Conduct/In Policy
No Further Action

I concur
P **Captain Christopher Pedrini**
Risk Management Office

1/27/14

I Concur

[Signature]

I do not Concur

[Signature]
Deputy Chief Lyn Tomioka
Chief of Staff

I concur.

GREGORY P. SUHR
Chief of Police

2/10/14

Date

I.A.D. O.I.S. Case #11-006
/ml

2014 JAN 28 A 0:11
SAN FRANCISCO

San Francisco Police Department

4Th Quarter 2013

Firearm Discharge Review Board

OIS 11-006

CONFIDENTIAL



Incident Profile

Date of Occurrence: **Monday, October 3, 2011**

Time of Occurrence: **0724 hours**

Location of Occurrence: **██████████ Funston Avenue**

Case Number: **110-796-498**



Location Overview



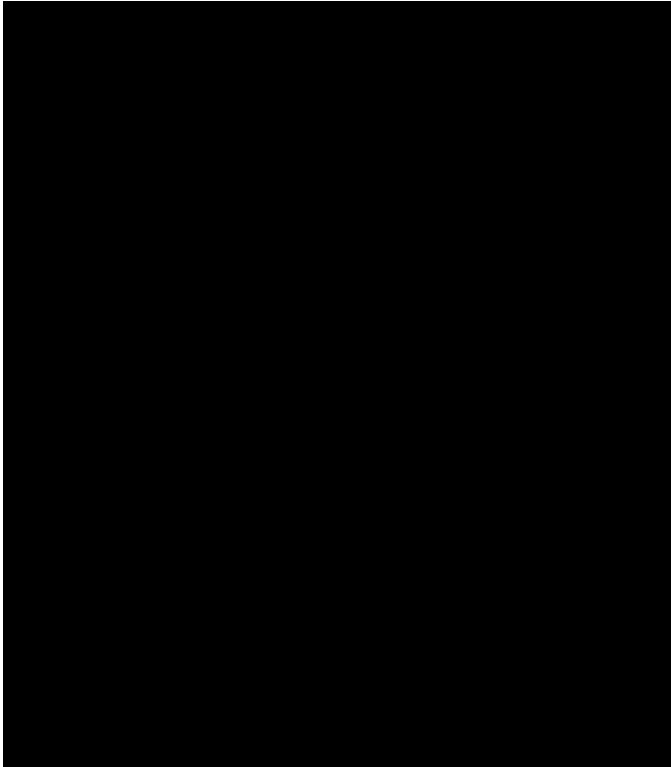
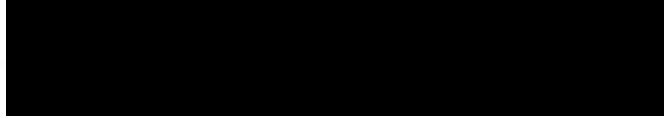


Involved Officer: William Heppler #1726

Date of Hire: [REDACTED]
Experience: **5 years, SFPD**
Assignment: **Richmond Station**
Plainclothes Officer
Unit: **3G35**
Shift: [REDACTED] **Hours**



Suspect:

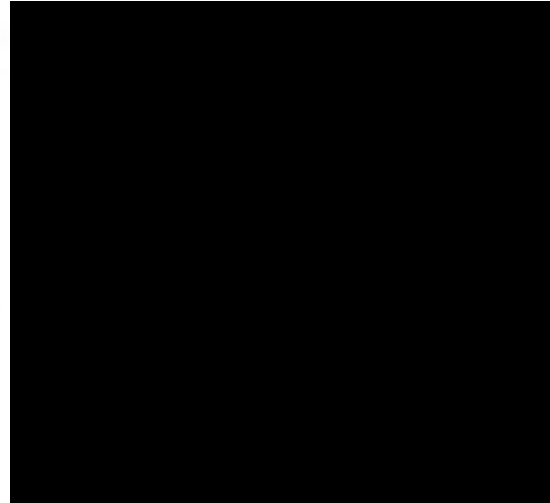


Date of Birth:

Sex/Race:

Height/Wt.:

CDL#:



Pre-Contact

- At 0719 hours dispatch broadcasts an 'A' 219 at [REDACTED] Funston indicating the victim, [REDACTED]-year old [REDACTED] is out front bleeding and the suspect is the [REDACTED]
- Officer Wong #2005 arrived first and broadcast that the suspect was inside the residence, possibly with another knife.
- Other responding officers formed an entry team to search the premise for other victims while Officer Wong attended [REDACTED]
- Entry team included Officer Ison #176 deploying a less lethal ERIW shotgun.



Pre-Contact

Entry Team:

Officer Jason Hernandez #1608

Officer Kevin Ison #176 (ERIW)

Officer Troy Carrasco #1599 (now Sergeant)

Officer William Heppler #1726

Officer Joe Filamor #213

Sergeant Lawrence Gray #1304



Entry into Residence

- Officers repeatedly announce presence and demand suspect surrender.
- Officers then enter and proceed up stairway.
- Officer Heppler notes that there was a lot of blood in the entry and on the stairway railing; thinks “this isn’t good”.
- At the top of the landing Officers Hernandez and Ison enter the flat, turning right towards the front of the house to clear it.



Entry into Residence

- Officers Carrasco and Heppler hold at the stairway and cover the left side, down a hallway towards the rear of the house.
- A bloody [REDACTED], [REDACTED]-year old [REDACTED] lying facedown in the hallway; [REDACTED] is unresponsive and gurgling.
- An [REDACTED] [REDACTED] exits a room down the hallway and crosses into another room; [REDACTED] does not respond or comply with commands.
- Officer Carrasco holsters his pistol in an attempt to rescue the [REDACTED] [REDACTED]



Contact with [REDACTED]

- Officer Carrasco attempts to drag the [REDACTED] out of the open hallway.
- [REDACTED] exits a room into the hallway, 5-7' away, and advances on Officer Heppler with two knives raised.
- Officer Heppler backs away demanding [REDACTED] drop the knives.
- Officer Carrasco releases [REDACTED] and attempts to draw his firearm.



Firearms Discharge

- Officer Filamor saw [REDACTED] with a “crazed, blank look” holding at least 1 knife. He was afraid for his safety but did not fire because Officer Heppler was in front of him.
- Officer Ison was now in a room adjacent to [REDACTED] in the hallway and heard Officer Heppler’s commands to drop the knife.
- Officer Ison saw [REDACTED] advancing on Officer Heppler holding a knife. Fearing for Officer Heppler, Officer Ison discharged an ERIW beanbag round at [REDACTED]



Firearms Discharge

- Officer Heppler was in fear for his life as well as the life of Officer Carrasco who was attempting a rescue.
- Officer Heppler said he did not want to shoot anybody and would have been happy if [REDACTED] dropped [REDACTED] knives.
- With no more room for retreat Officer Heppler fired two rounds at [REDACTED] who dropped immediately.



Post Discharge

- Officer Carrasco carried [REDACTED] outside to waiting medics.
- [REDACTED] was secured and on-scene officers cleared the remainder of the residence.
- [REDACTED] of [REDACTED] was secured from a back bedroom.
- Once the scene was secured and safe medics entered the premise to treat [REDACTED]



Post Discharge

- [REDACTED] was transported to SFGH where [REDACTED] was later pronounced deceased.
- [REDACTED] was also transported to SFGH where [REDACTED] was later pronounced deceased.



DEM:

- 07:19:12 DEM broadcast of "A" priority 219 (stabbing) at [REDACTED] Funston. "Mr. [REDACTED] is bleeding from the hand. Suspect is the [REDACTED]"
- Numerous Richmond units begin response. Dispatch further advises, "[REDACTED] barrier. The [REDACTED], [REDACTED]-years-old, still inside the house."
- 07:20:40 Dispatch further: [REDACTED] wearing pajamas; steak knife was used.
- 07:21:00 Dispatch further: [REDACTED] has the knife and [REDACTED] is outside.
- 07:21:20 3G3A (Officer Wong) is on scene with medics
- 07:21:40 3G3A advises Code 4; he is on scene with medics
- 07:22:00 3G1A (Officer Hernandez) is on scene
- 07:22:20 3G3A advises that [REDACTED] is inside and [REDACTED] may have another knife and [REDACTED] is going to make entry
- 07:22:40 3G1A advises that they are going to standby until E.R.I.W. is on scene. 3G28 (Officer Ison) advises that he is on scene with E.R.I.W.
- 07:23:20 3G1A asked for "Code 33" on A8
- 07:24:20 3G35 (Officer Carrasco and Officer Heppler): "Come out with your hands up. Got one on the ground now. Looks to be [REDACTED] year-old [REDACTED]"
- 07:24:45 3G35 "Shots fired, one down!" Immediate request for medics. 3G104 (Sgt. Gray) asked for 2 medic units.
- 07:25:40 3G201 (Lt. Lee) advises that he is en route

*Time from "Code 33" to broadcast of "Shots fired" = 85 seconds



Processing the Scene

- A bloody knife is recovered from the planter box out front of the residence
- Two knives are recovered from [REDACTED] in the hallway
- A single .40 casing and the ERIW casing recovered
- Numerous business cards related to [REDACTED]
[REDACTED] appointments are recovered



██████████ Funston Ave



Entry to [REDACTED] Funston Ave



Planter IFO [REDACTED] Funston Ave



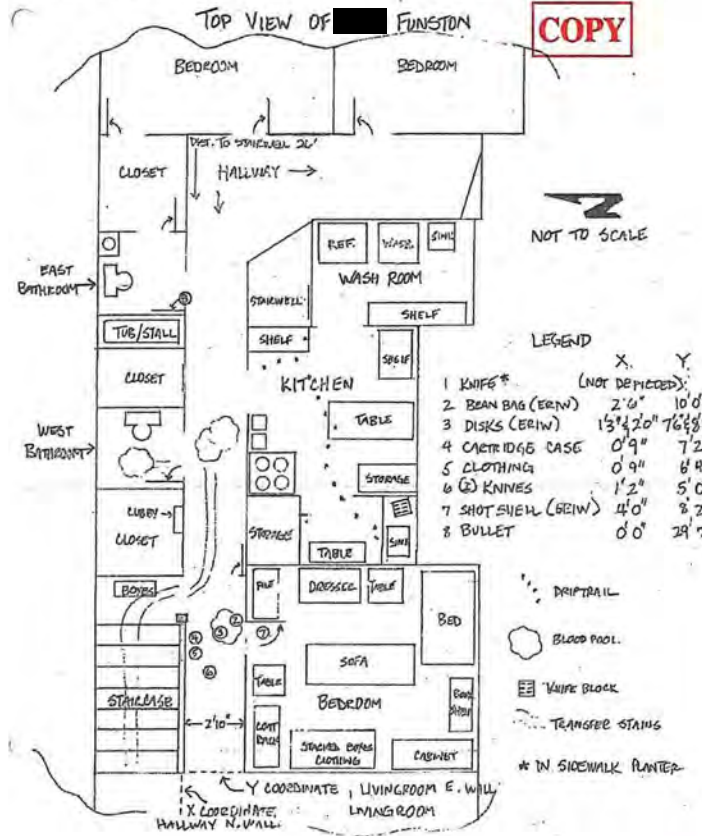
Stairway leading into residence



CSI Layout Sketch

PREPARED BY: T. GOMEZ #111
SFPD CASE # 110 796 498

INCIDENT TYPE: DIS
INCIDENT DATE: 10/03/11



Hallway towards back of residence



Hallway towards front of residence



Location of discharge



Knives held by [REDACTED]





Forensic Analysis

- ME ruled [REDACTED] died by homicide as a result of more than 30 stab wounds to head, neck, upper torso, and upper extremities. [REDACTED] also suffered blunt force injuries and trauma.
- ME ruled [REDACTED] died by homicide as a result of 2 gunshot wounds to the torso and 5 stab wounds to the torso. [REDACTED] also had multiple incised wounds to the left hand and arm.
- ME report states [REDACTED] has an extensive [REDACTED] was [REDACTED] as [REDACTED] [REDACTED] was assaultive and family feared him, especially [REDACTED] access to household knives. SFGH records stated that [REDACTED] had [REDACTED] [REDACTED].



Witness Statements

- **Officer Ison:** Heard Officer Heppler screaming “Police show me your hands. Put the knife down.” Saw [REDACTED] [REDACTED] advancing on Officer Heppler with a knife raised in his left hand. Fired 1 ERIW round at [REDACTED] left chest to no effect. Believed Officer Heppler fired at the same time.
- **Officer Hernandez:** Heard yelling in the hallway “drop the knife”. Saw Officer Ison move to the room doorway and Officer Heppler backing in the hallway. Saw a [REDACTED] subject rushing towards Officer Heppler and saw Officer Heppler fire his weapon.



Witness Statements

- **Officer Carrasco:** Heard Officer Heppler yelling “Drop the knife.” He looked up and saw [REDACTED] advancing on Officer Heppler with both fists raised at shoulder level. He let go of [REDACTED] and attempted to draw his pistol as Officer Heppler backed up.
- **Officer Filamor:** Saw [REDACTED] enter the hall with a “crazed, blank look” and at least 1 knife raised in [REDACTED] hands. [REDACTED] quickly advanced on Officer Heppler. He was in fear for his own safety and would have fired but Officer Heppler was in front of him.



Statements by Officer Heppler

- On entering:

I remember seeing a lot of blood, and a lot...seeing blood on the railing. And I just thought to myself like, this is, this isn't good.

- On seeing [REDACTED] in the hallway:

You know, this isn't good because [REDACTED] not moving and bleeding, and I didn't hear [REDACTED] make any noises or sounds. And he, I distinctly remember him saying, "I'm going to holster my weapon." And at first I thought, because he's going to go down the hallway for some reason, I almost grabbed him and said, no. But he said "I'm going to holster my weapon and I'm going to drag [REDACTED] to safety. Cover me." And that's what I did.



Statements by Officer Heppler

- On seeing [REDACTED]
...I would have to say within five to seven (feet) at the most. Well, I think at first I was startled someone came out, and then I immediately saw something in [REDACTED] hand, and I, I identified it as a knife. I, I remember my eyes catching it saying, uh, Christ. [REDACTED] got the knife; [REDACTED] got a knife in [REDACTED] hand.
- [REDACTED] is advancing with knife raised while Officer Heppler retreats:
It's hard to explain but [REDACTED] had dead eyes, if that makes any sense at all. Like [REDACTED] something wasn't registering. Like when...it just...[REDACTED] just looked...it looked vacant in [REDACTED] eyes when [REDACTED] especially when [REDACTED] first came out.



Statements by Officer Heppler

- On why he fired:

Number one: Not to sound selfish, but I was in fear for my own life and my safety and my life, uh, that I th...you know, it's kind of weird to say but I thought that you know, I might get seriously hurt or injured if I don't; or maybe killed.

Uh, no, don't...like almost don't, don't, don't come at me, you know? Don't make me do that.



Statements by Officer Heppler

- To Homicide Detail on why he fired:

Officer Heppler felt there was an imminent threat to his safety, and the safety of the others at the scene, and to his life. Officer Heppler thought the suspect might stab him, or because Officer Heppler was backing up, the [REDACTED] might go for Officer Carrasco who had holstered his weapon.



Criminal Investigation Conclusions

- Office of the District Attorney:

The facts in the present case indicate Officer Heppler fired his weapon at [REDACTED] from a distance of about 5 to 7 feet as [REDACTED] ignored Officer Heppler's commands to "Drop the knife" and continued to move directly towards Officer Heppler with two knives held outward. Officer Heppler was aware at the time that Officer Carrasco was approximately two feet to his left, trying to move [REDACTED] down the stairs. He also knew that [REDACTED] said [REDACTED] attacked [REDACTED] with a knife, and he had reason to believe that [REDACTED] was responsible for [REDACTED] grave injuries.

It was reasonable for Officer Heppler to fire at [REDACTED] to protect himself, the other officers and [REDACTED]. It is our conclusion that Officer Heppler acted lawfully.



General Order 5.01, Use of Force

From *Section I. Policy*

E. REASONABLE FORCE

1. Officers must frequently employ the use of force to effect arrests and ensure public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand-to-hand combat with all its risks before resorting to the use of force that will more quickly, humanely and safely bring an arrestee under physical control.
2. Penal Code Section 835a provides that, *"Any peace officer who has reasonable cause to believe that a person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance."*



General Order 5.01, Use of Force

From *Section I. Policy*

F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE

1. Officers may use force in the performance of their duties in the following circumstances:
 - a. To prevent the commission of a public offense.
 - b. To prevent a person from injuring him/herself.
 - c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
 - d. In self-defense or defense of another person.
2. Before using force the officer should consider these questions:
 - a. What actions on the part of the suspect justify the use of force?
 - b. What crime is being or has been committed?
 - c. Does the situation require the immediate use of force?



General Order 5.02, *Use of Firearms*

Subsection I.C.1

From Section I. Policy

C. DISCHARGE OF FIREARMS

1. **PERMISSIBLE CIRCUMSTANCES.** Except as limited by Sections C.4 and C.5., an officer may discharge a firearm in any of the following circumstances:
 - a. In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.
 - b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an imminent danger of death or serious bodily injury to the officer or any other person.
 - c. To apprehend a person (next slide)
 - d. To kill a dangerous animal. To kill an animal that is so badly injured that humanity requires its removal from further suffering where other alternatives are impractical and the owner, if present, gives permission.
 - e. To signal for help for an urgent purpose when no other reasonable means can be used.



General Order 5.02, *Use of Firearms*

Subsection I.C.1.c

- c. To apprehend a person when both of the following circumstances exist:
- 1) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND
 - 2) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.



General Order 5.02, *Use of Firearms*

Subsections I.C.2 and I.C.3

From Section I. Policy

C. DISCHARGE OF FIREARMS

2. **VERBAL WARNING.** If feasible, and if doing so would not increase the danger to the officer or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm.
3. **REASONABLE CARE.** To the extent practical, an officer shall take reasonable care when discharging his or her firearm so as not to jeopardize the safety of innocent members of the public.



Administrative Investigative Findings:

Based on a preponderance of evidence:

Officer William Heppler #1726 fired his weapon on October 3, 2011, in defense of himself, Officer Carrasco, and others in the residence of [REDACTED] Funston Ave.

Officer Heppler's use of his firearm was in accordance with specifications set forth in DGO 5.01.I.F.1.c and d and in DGO 5.02.I.C.1.a, b, and c.



Administrative Investigation Recommendations

It is the recommendation of the Internal Affairs
Division that:

- **Officer William Heppler's use of his firearm on October 3, 2011, be found In Policy/Proper Conduct.**



Questions?



CONFIDENTIAL

POLICE COMMISSION PRESENTATION

PRELIMINARY INVESTIGATION

OFFICER INVOLVED SHOOTING 11-006

RETURN TO DUTY



SPD 110796498

OCTOBER 12TH, 2011

000299

INCIDENT OVERVIEW

CONFIDENTIAL

- **Date:** Monday October 3rd, 2011
- **Time:** 07:18 hours
- **Location:** [REDACTED] Funston Avenue

Richmond district units responded to an “A” priority stabbing call. Officers met with [REDACTED] [REDACTED] victim who was seriously injured by [REDACTED]. Officers made entry and were confronted by the suspect [REDACTED] armed with two knives. ERIW and firearm used during incident. Suspect and elderly [REDACTED] victim, who had been stabbed, died.



Officers Involved

CONFIDENTIAL



Officer 1

CONFIDENTIAL

- Name: Officer William Heppler # 1726
- Age: [REDACTED]
- DOE: [REDACTED]
- Assignment: Co. G
(3G35) plain clothes unit



Officer 2

CONFIDENTIAL

- Name: Officer Troy Carrasco #1599
- Age: [REDACTED]
- DOE: [REDACTED]
- Assignment: Co. G
(3G35) plain clothes unit



Officer 3

CONFIDENTIAL

- Name: Officer Kevin Ison #176
- Age: [REDACTED]
- DOE: [REDACTED]
- Assignment: Co. G
(3G28) SRO



Officer 4

CONFIDENTIAL

- Name: Officer Jason Hernandez #1608
- Age: [REDACTED]
- DOE: [REDACTED]
- Assignment: Co. G
Uniform Patrol (3G1A)



Officer 5

CONFIDENTIAL

- Name: Sergeant Lawrence Gray #1304
- Age: [REDACTED]
- DOE: [REDACTED]
- Assignment: Co. G
Uniform Patrol (3G104)



Officer 6

CONFIDENTIAL

- Name: Officer Joseph Filamor # 213
- Age: [REDACTED]
- DOE: [REDACTED]
- Assignment: Co. G
Uniform Patrol (3G4A)



Officer 7

CONFIDENTIAL

- Name: Officer Robert Wong # 2005
- Age: [REDACTED]
- DOE: [REDACTED]
- Assignment: Co. G
Uniform Patrol (3G3A)





Over head view Funston Avenue

Funston Ave



SFPD 1107 96498

000309

Funston Avenue



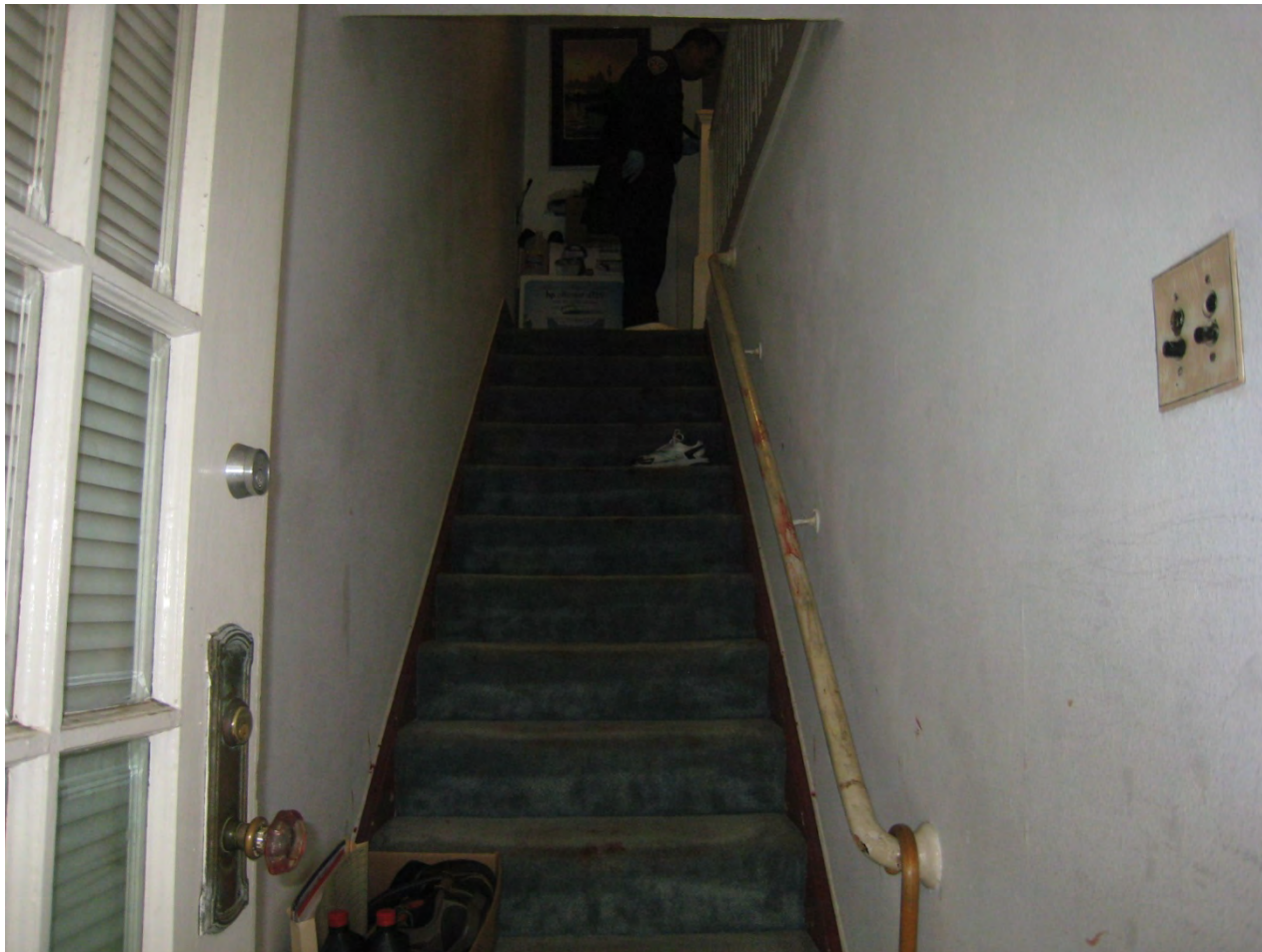
Officer Wong is first on scene and saw the suspect's [REDACTED] in front of house bleeding from hands.





SFPD Case: 110 796 498



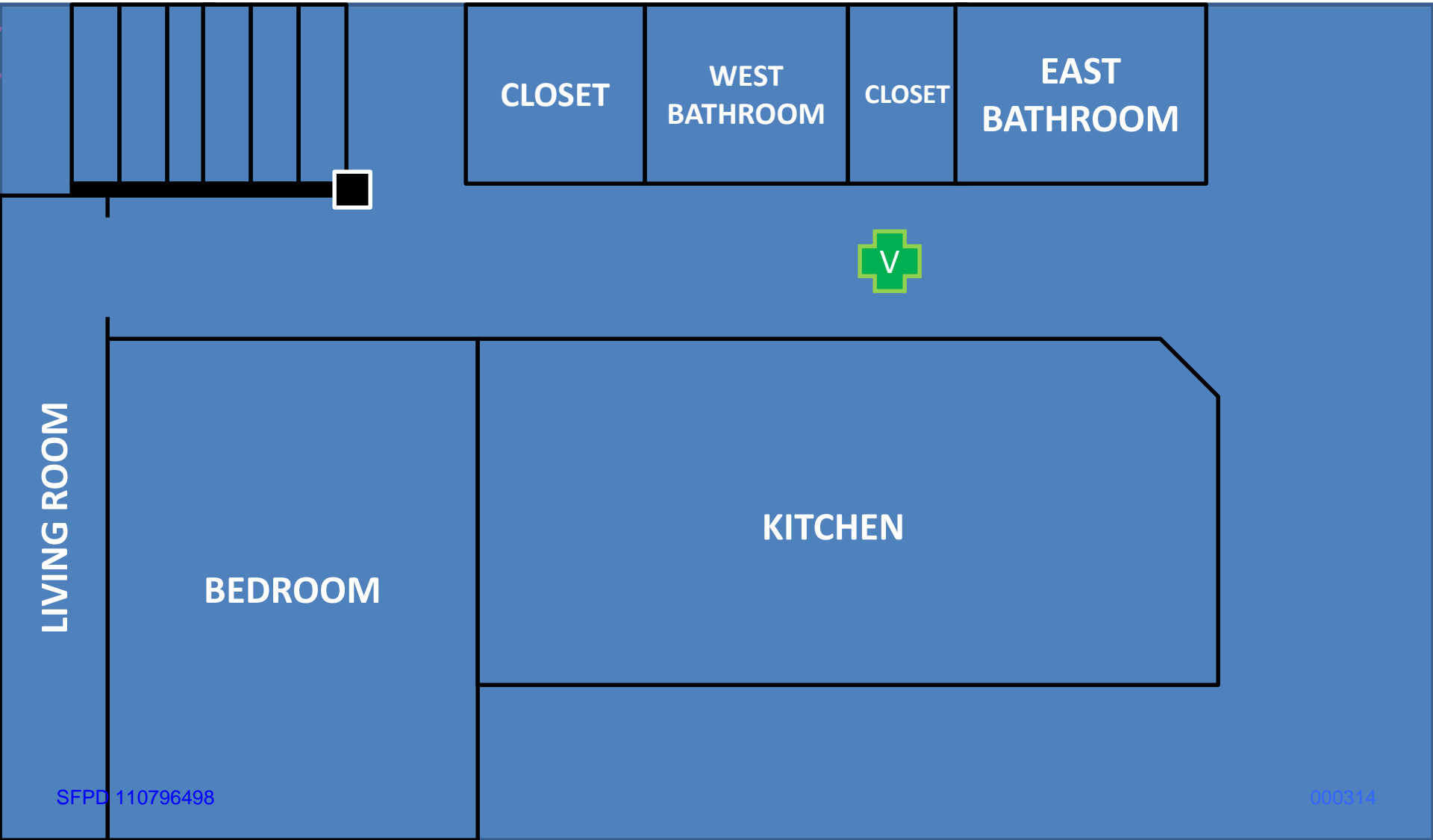


SFPD 110796498

000313

Officer 1 = Heppler
Officer 2 = Carrasco
Officer 3 = Ison
Officer 4 = Hernandez
Officer 5 = Gray

Officer 6 = Filamor



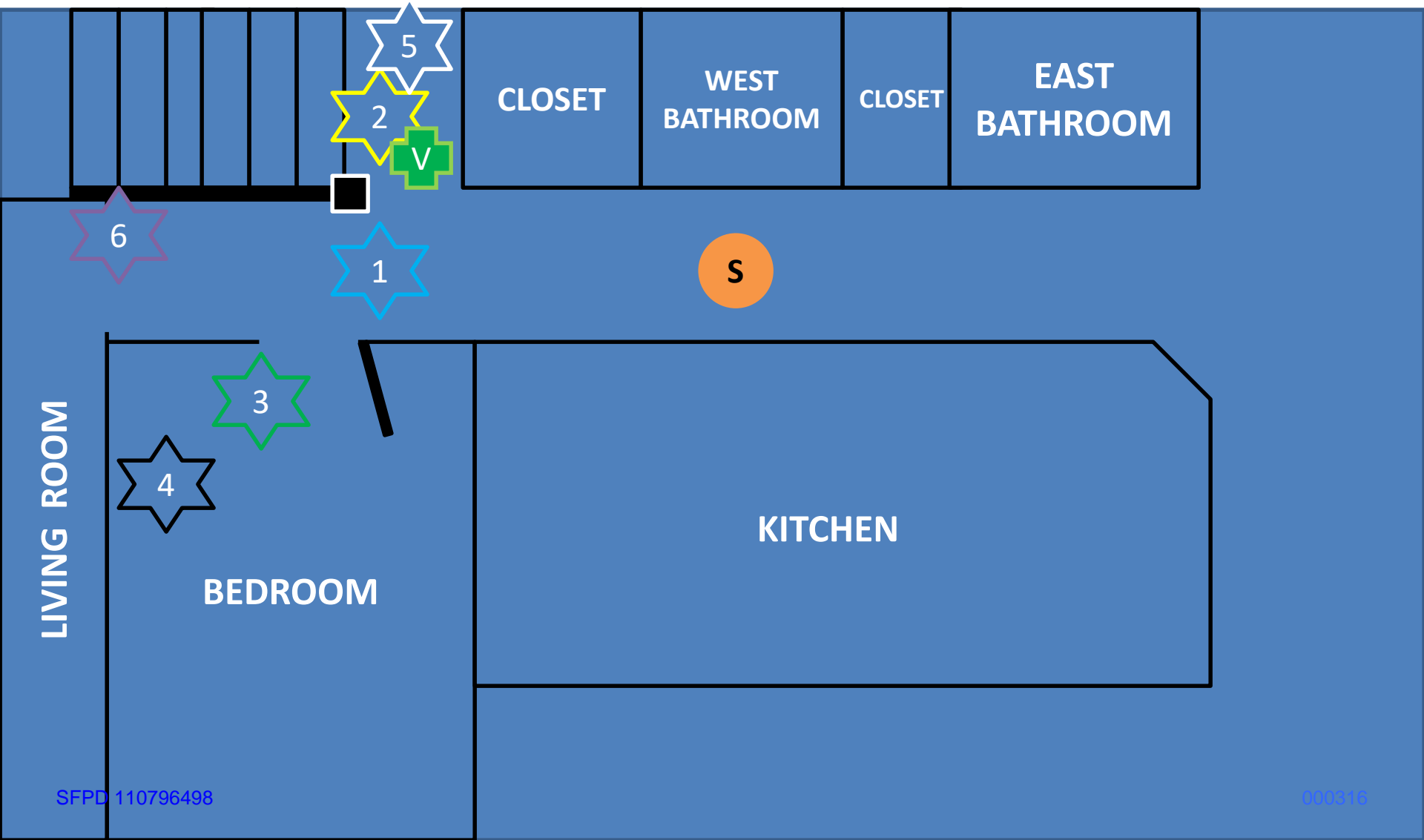


SFPD 110796498

000315

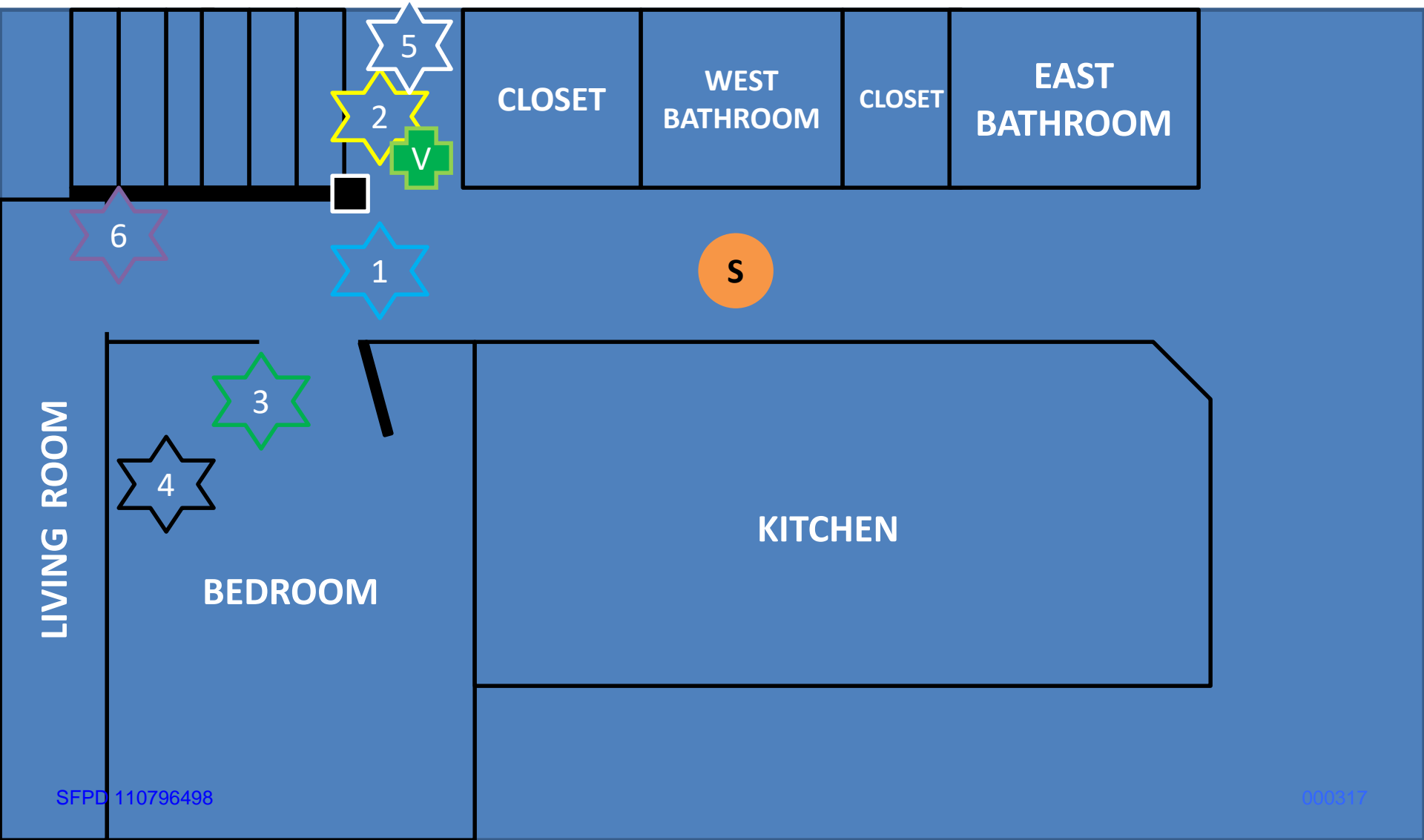
Officer 1 = Heppler
Officer 2 = Carrasco
Officer 3 = Ison
Officer 4 = Hernandez
Officer 5 = Gray

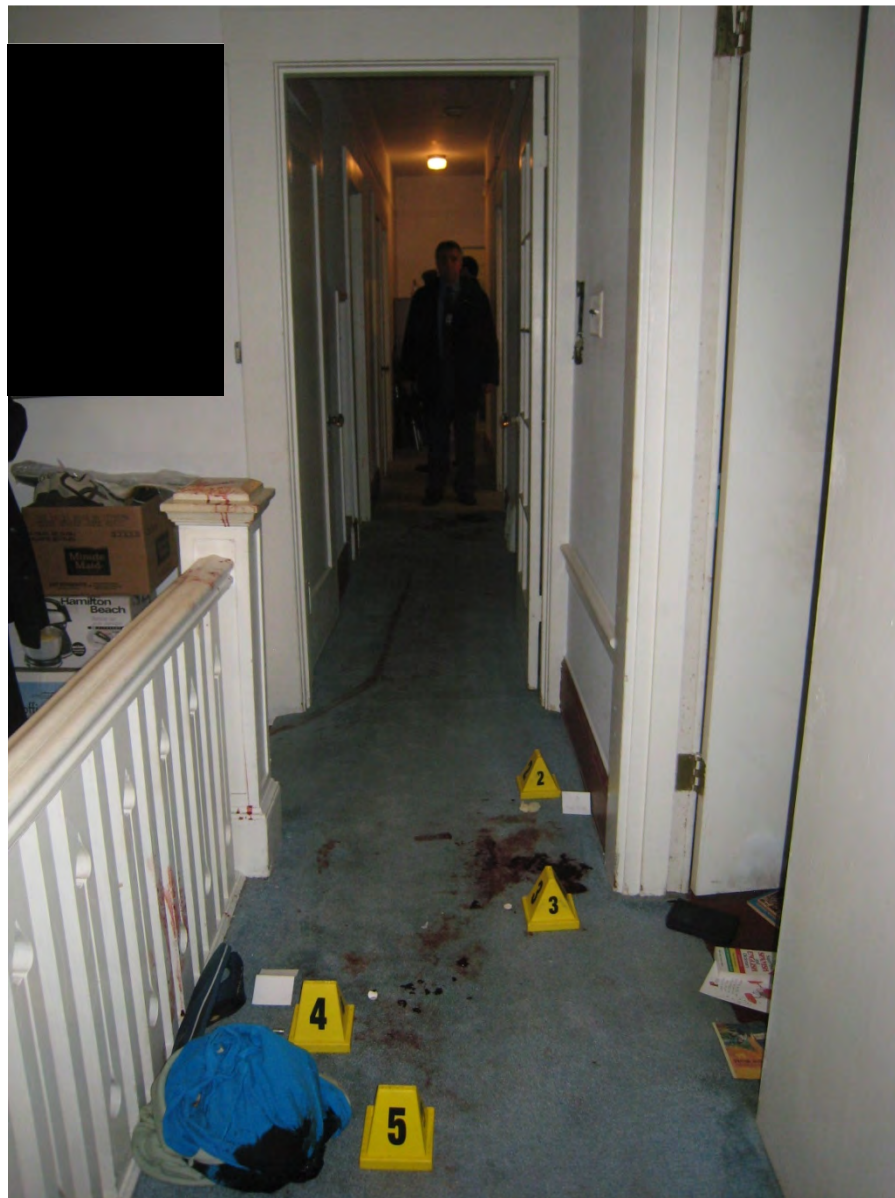
Officer 6 = Filamor



Officer 1 = Heppler
Officer 2 = Carrasco
Officer 3 = Ison
Officer 4 = Hernandez
Officer 5 = Gray

Officer 6 = Filamor





SFPD 110796498

000318

SFPD Case: 110 796 498



SFPD 110796498

000319



Victims

CONFIDENTIAL

-

Age:

Injuries: Fatal stab wounds

-

Age:

Injures: Stab wound Right Han



Suspect

CONFIDENTIAL

- [REDACTED]
- [REDACTED] [REDACTED] [REDACTED] [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]



DEM Timeline

- 07:19:12 DEM broadcast of "A" priority 219 (stabbing) at [REDACTED] Funston. "[REDACTED] [REDACTED] is bleeding from the hand. Suspect is the [REDACTED]." Numerous Richmond units begin response. Dispatch further advises, "[REDACTED] barrier. The [REDACTED] still inside the house."
- 07:20:40 Dispatch further: [REDACTED] wearing pajamas; steak knife was used.
- 07:21:00 Dispatch further: [REDACTED] has the knife and [REDACTED] is outside.
- 07:21:20 3G3A (Officer Wong) is on scene with medics
- 07:21:40 3G3A advises Code 4; he is on scene with medics
- 07:22:00 3G1A (Officer Hernandez) is on scene
- 07:22:20 3G3A advises that [REDACTED] is inside and [REDACTED] may have another knife and he is going to make entry
- 07:22:40 3G1A advises that they are going to standby until E.R.I.W. is on scene. 3G28 (Officer Ison) advises that he is on scene with E.R.I.W.
- 07:23:20 3G1A asked for "Code 33" on A8
- 07:24:20* 3G35 "Come out with your hands up. Got one on the ground now. Looks to be [REDACTED] year-old [REDACTED]"
- 07:24:45* 3G35 "Shots fired, one down!" Immediate request for medics. 3G104 (Sgt. Gray) asked for 2 medic units.
- 07:25:40 3G201 (Lt. Lee) advises that he is en route

*Time = 25 seconds



The following statute and Department policy will be considered in the evaluation of this investigation.

Penal Code Section 835a.

General Order 5.01 (Use of Force)

General Order 5.02 (Use of Firearms)

Department Bulletin 11-113 (Response to Mental Health Call with Armed Suspects)



- All involved Department members attended a mandatory Behavioral Science Unit debriefing.
- Officer Heppler went to the Range and did a post Officer Involved Shooting debriefing.
- Officer Heppler went to the Academy and did a post Officer Involved Shooting Force Options debriefing.





Officer Involved Shooting Return To Duty Panel



Background Information

Monday October 3, 2011, 07:18 Hours

SFPD Case # 110 796 498

██████████ Funston Ave.

Officer William Heppler # 1726

Officer Troy Carrasco # 1599

Officer Kevin Ison # 176

Officer Joseph Filamor # 213

Officer Jason Hernandez # 1608

Sergeant Lawrence Gray # 1304

Officer William Heppler #1726

- Date of Hire: [REDACTED]
- Assigned to Richmond: [REDACTED]
- Unit: 3G35, Plain Clothes
- Shift [REDACTED]
- Experience: 5 years
- Discharged two .40 cal rounds



Officer Troy Carrasco #1599

- Date of Hire: [REDACTED]
- Assigned to Richmond: [REDACTED]
- Unit: 3G35, Plain Clothes
- Shift: [REDACTED]
- Experience: 16 years



Officer Kevin Ison #176

- Date of Hire: [REDACTED]
- Assigned to Richmond: [REDACTED]
- Unit: 3G28, Class B Uniform
- Shift [REDACTED]
- Experience: 4 years
- Discharged one ERIW round



Officer Joseph Filamor #213

- Date of Hire: [REDACTED]
- Assigned to Richmond: [REDACTED]
- Unit: 3G4A, Class B Uniform
- Shift [REDACTED]
- Experience: 13 years



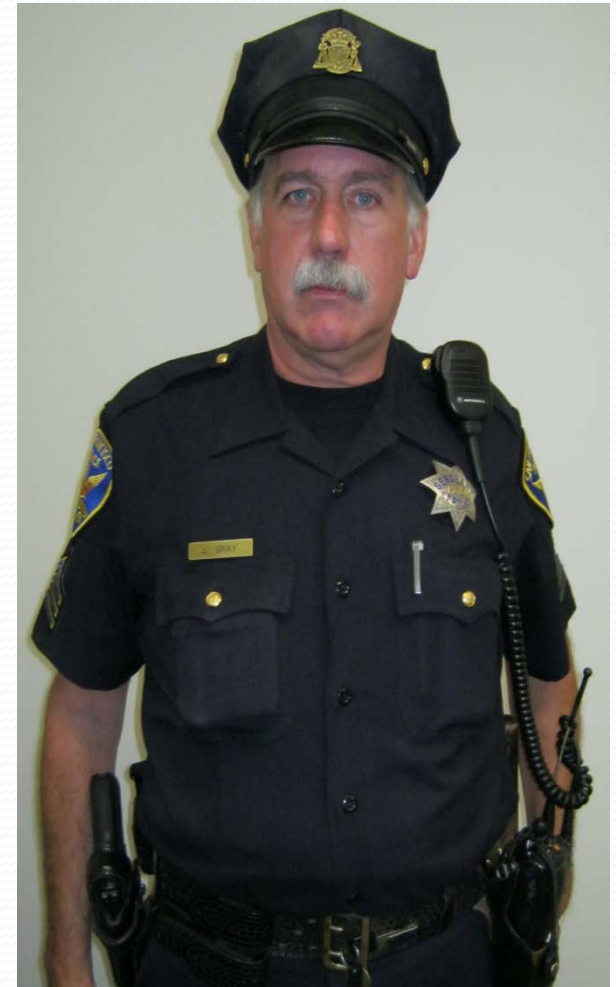
Officer Jason Hernandez #1608

- Date of Hire: [REDACTED]
- Assigned to Richmond: 5/12/01
- Unit: 3G1A, Class B Uniform
- Shift [REDACTED]
- Experience: SFPD 12 years
- [REDACTED] PD 3 years
- [REDACTED] SO 1 year
- [REDACTED] PD 2 years



Sgt. Lawrence Gray #1304

- Date of Hire: [REDACTED]
- Assigned to Richmond: 10/23/10
- Unit: 3G104, Class B Uniform
- Shift [REDACTED]
- Experience: 34 years



CALIFORNIA DEPARTMENT OF MOTOR VEHICLES
IMAGE RECORD FOR:

Incident Summary

- October 3, 2011 at 07:19 hours, Richmond Station officers responded to a stabbing call at [REDACTED] Funston Avenue, a two unit flat.
- [REDACTED] was in front bleeding from a stab wound to [REDACTED] hand.
- [REDACTED] advised officers that the suspect, [REDACTED], was still inside of the residence.
- Sgt. Gray, Officers Wong, Heppler, Carrasco, Ison, Hernandez and Filamor formulated a plan to arrest [REDACTED] and check on the safety of other residents.
- Ofc. Wong remained outside as the other officers entered.
- Officer Kevin Ison had an Extended Range Impact Weapon (ERIW).
- Officers began clearing the rooms, from the front of the unit to the rear.
- Officer Ison and Hernandez were in the middle bedroom when Ofc.'s Carrasco and Heppler encountered [REDACTED] lying on the floor in the hallway.
- [REDACTED] was bleeding profusely from stab wounds and was unresponsive.
- Officer Carrasco began to pull [REDACTED] to safety as Heppler covered him.
- Carrasco pulled [REDACTED] to the stairway landing where he joined Sgt. Gray.
- [REDACTED] emerged from a room in the hallway holding a knife in each hand and confronted the officers.



CASE NUMBER (DEPARTMENT) 110796498	NAME OF STATION OR UNIT REQUESTING (NOT CALL SIGN) HOMICIDE	DATE OF REQUEST 10/4/2011
LABORATORY NUMBER	SUSPECT [REDACTED]	DATE OF OCCURRENCE 10/3/2011
CHARGE O.I.S. CASE	COMPLAINANT / VICTIM [REDACTED]	OTHER NUMBER

DESCRIPTION OF EVIDENCE AND EXAMINATION REQUEST

Priority Classification: Routine

PLEASE NOTE

1. SUBMIT A SEPARATE LABORATORY EXAMINATION REQUEST FOR (SFPD 64) FOR EACH SFPD INCIDENT NUMBER.
2. WHEN COMPARISON OF ITEMS IN MULTIPLE INCIDENT IS REQUIRED, SUBMIT AN SFPD 64 FOR EACH INCIDENT NUMBER.
3. ATTACH A COPY OF THE INITIAL NARRATIVE POLICE REPORT, QPRL EVIDENCE SHEET AND AVAILABLE CSI DOCUMENTATION.

☐ **BIOLOGY / DNA**☐ BIOLOGICAL SCREENING: EXAMINE FOR THE PRESENCE OF ☐ BLOOD ☐ SEMEN ☐ SALIVA ☐ OTHER (Circle all that apply)☐ DNA COMPARISON: ☐ TYPE EVIDENCE SAMPLES IN BAG NUMBER ____ AT PCD☐ COMPARE WITH SUSPECT REFERENCE SAMPLE(S) IN BAG NUMBER ____ AT PCD☐ COMPARE WITH VICTIM REFERENCE SAMPLE(S) IN BAG NUMBER ____ AT PCD☐ DOES SUSPECT REFERENCE QUALIFY FOR ENTRY INTO CODIS (Bureau Order 06-003 / PC 295-297); BAG NUMBER ____ AT PCD

NATURE OF REQUEST (INCLUDE RELATED INCIDENT NUMBERS)

☒ **FIREARMS / TOOLMARKS**☒ NIBIN / OPEN CASE FILE☒ FIREARM(S) (QUANTITY) 1☒ FIRED BULLET(S) / CASING(S)☐ COMPARISON WITH OTHER SFPD INCIDENTS: (See #2 above)☐ OTHER (i.e. SERIAL NUMBER RESTORATION / DISTANC DETERMINATION / TOOLMARK COMPARISON)

NATURE OF REQUEST (INCLUDE RELATED INCIDENT NUMBERS)

PLEASE COMPARE RECOVERED CASING AND PROJECTILE WITH THE FIREARM SEIZED FROM OFFICER HEPPLER #1776.

ALSO EXAMINE FIREARM SEIZED FROM OFFICER HEPPLER TO SEE IF IT IS COMPLIANCE WITH DEPARTMENT REGULATIONS.

OTHER REQUEST

(Check category and provide description of request below)

☐ **GUNSHOT RESIDUE**☐ **QUESTIONED DOCUMENTS**☐ **FOOTWEAR IMPRESSION**

NATURE OF REQUEST (INCLUDE RELATED INCIDENT NUMBERS)

ADDITIONAL NARRATIVE / EXPLANATION OF REQUEST

FORENSIC SERVICES DIVISION USE ONLY

**REQUIRED
INFORMATION**

- ☐ HOMICIDE
☒ OFFICER INVOLVED SHOOTING
☐ IN CUSTODY DEATH
☐ NONE OF THE ABOVE

- ☒ ADA ASSIGNED TO CASE **DORFMAN**
☒ CONTACT NUMBER [REDACTED]
☐ ADA NOT YET ASSIGNED TO CASE

REQUESTED BY / CONTACT NUMBER

RICHARD J. MARTIN #553-9183

APPROVED BY / CONTACT NUMBER

Lieutenant Hector Sainez #1667

RANK / STAR

INSP/SGT

#2153

RANK / STAR **Homicide Detail**



San Francisco Police Department
Forensic Services Division – Criminalistics Laboratory
Tel: [REDACTED] / Fax: 4 [REDACTED]
Report of Laboratory Examination

Case Number
Laboratory Number
Incident Date
Requested By
Detail / Agency
Complainant / Victim
Suspect
Report Date

Rec'd
11-2-11
1143

in #2153
Vina



Certified Copy

gd
Initials

10/31/11
Date

The following evidence was received in the Criminalistics Laboratory on October 20, 2011.

DESCRIPTION OF EVIDENCE

Bag 6	Ex. 6-8	One fired copper-jacketed bullet
	Ex. 6-9	One apparent lead fragment
Bag 7	Ex. 7-4	One fired 40 Smith and Wesson caliber Winchester cartridge case
Bag 11	Ex. 11-1	One fired 12 gauge CTS shotshell
Bag 13	Ex. 13-1	One 40 Smith and Wesson caliber SigSauer Model P229 semiautomatic pistol, serial number [REDACTED] One magazine Eleven 40 Smith and Wesson caliber Winchester cartridges
Bag 14	Ex. 14-1	One 12 gauge Remington Model 870 Wingmaster Magnum pump action shotgun, serial number [REDACTED] Eight unfired 12 gauge CTS shotshells

PURPOSE OF EXAMINATION

Standard firearms examination

RESULTS OF EXAMINATION

Bag 6	Ex. 6-8	The bullet was fired from the submitted Exhibit 13-1 SigSauer pistol. The exhibit was determined to be of 40 caliber displaying rifling characteristics of six lands and grooves, right twist.
	Ex. 6-9	The fragment does not display individual or class characteristics and was not examined further.
Bag 7	Ex. 7-4	The cartridge case was fired in the submitted Exhibit 13-1 SigSauer pistol.
Bag 11	Ex. 11-1	The shotshell was fired in the submitted Exhibit 14-1 Remington shotgun.
Bag 13	Ex. 13-1	The pistol was examined and found to be functional using the submitted magazine. The trigger pulls were determined to be within manufacturer's specifications. The cartridges were not examined further.

SAN FRANCISCO POLICE DEPARTMENT CHRONOLOGICAL OF INVESTIGATION

Page 1 of 14

TYPE OF CASE Murder, W / Knife - O.I.S.		CASE NO. 110796498	VICTIM [REDACTED]
DATE Tuesday, October 04, 2011		DETAIL Homicide	INSPECTOR ASSIGNED Sgt. Warnke #1397 Sgt. Braconi #2246 Insp. Cunningham #650

DATE	TIME	ACTIVITY
10/04/11	0745	<p>Lt. Sainez #1667, the O.I.C. of the Homicide Detail, called and advised me that an officer involved shooting – O.I.S.- had just occurred on the 600 block of Funston Avenue. I advised him that I would obtain a copy of the CAD printout and head to the scene.</p> <p>Copy of the CAD was obtained - #112760548 – and reviewed.</p>
	0816	<p>I arrived on-scene and advised dispatch.</p> <p>It was overcast, but dry.</p> <p>I met with Lt. Sainez and Captain Murphy #2158, the O.I.C. of Major Crimes. Captain Murphy briefed us about the incident. 3 victims were at SFGH. 2 victims had suffered stab wounds and the other gunshot wounds. An officer had shot the suspect that stabbed the victims.</p> <p>I observed a large blood trail on the sidewalk going in both directions from the residence at [REDACTED] Funston Avenue.</p>
	0835	<p>The following people were present at the scene:</p> <p>Chief Suhr D.C. Cashman Commander Biel Commander Tomioka Lieutenant Yick</p> <p>Inspector Cunningham interviewed neighbors. REFER TO INSPECTOR CUNNINGHAM'S NOTES.</p> <p>Inspector Braconi interviewed neighbors. REFER TO INSPECTOR BRACONI'S NOTES.</p>
	1540	<p>A recorded interview with Sgt. Gray #1608 was conducted at the Homicide Detail with me and the following people:</p> <ul style="list-style-type: none"> • Sgt Braconi #2246 – Homicide Detail • DA Investigator Posada • ADA Michael Sullivan • Christopher Shea – Attorney for Sgt. Gray <p>I clarified with Sgt. Gray that it was a voluntary statement. Sgt. Gray provided the following information:</p>

**SAN FRANCISCO POLICE DEPARTMENT
CHRONOLOGICAL REPORT OF INVESTIGATION**

Page 2 of 14

DATE	TIME	ACTIVITY
		<ul style="list-style-type: none"> • His date of entry into the Department was August [REDACTED]. • His current assignment is at Richmond Station. • He has been at Richmond for about a year. • Prior to Richmond he worked at Mission Station for about 15 years, Central for 8, Southeast – Bayview – Potrero for about 6, a year in recruitment, 6 months at the airport, 4 weeks at Taraval. • His shift today was [REDACTED] • He was in uniform and his call-sign was 3G104 and he rode alone. • He wore his gunbelt. He always has his baton. <p>In regards to the incident he said the following:</p> <ul style="list-style-type: none"> • There was a call of a stabbing, [REDACTED]. • He rolled in that direction with most of the daywatch. • He was probably the 4th unit there. • He saw the blood. • Officer Wong was interviewing the victim. • They determined that the suspect was still inside. • They held back until the E.R.I.W. arrived. • When Officer Ison arrived they made entry to look for the suspects and any other victims. • He was about the 5th officer going up. • Officers went to the right, which was the living room, to clear it. • That room was cleared and the officers went to the next room, whis is directly at the top of the stairs. • Officer Carrasco said that he saw a body down. • He, Sgt. Gray, looked and saw the body completely motionless. • Officer Carrasco grabbed the body and dragged it down the hallway, past him, and down the stairs. • He heard a lot of yelling, "stop stop." • He saw a figure, saw Officer Heppler backpedaling, and saw Officer Heppler discharge his firearm. • Announcements of, "police, police" were made as they went up the stairs. • He knows for a fact that the mic was keyed and that the announcement was made over the air. • He immediately called for 408's (ambulances). • He couldn't see the [REDACTED] victim. Troy had taken [REDACTED] out. • The suspect was bleeding and there was not a lot of blood. • He had 2 knives and they were on the ground next to [REDACTED] body. • He found out later that the E.R.I.W. had been deployed, but he didn't hear it. • He did hear rapid gunfire. • He heard 3 rounds.

**SAN FRANCISCO POLICE DEPARTMENT
CHRONOLOGICAL REPORT OF INVESTIGATION**

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DATE	TIME	ACTIVITY
		<ul style="list-style-type: none"> • He saw the wadding and casing from the E.R.I.W. after Officer Ison told him that he'd discharged it. • He said that there was a great deal of blood at the front door. • There was a trail of blood on the sidewalk. • There was blood on the wall and banister. • He did not see Officer Heppler shoot. • He was on the top landing facing the bedroom. • His weapon was not drawn. • The suspect came right by him. • The suspect did not say anything. • He saw the knife when the suspect fell to the ground. • The suspect was 4 feet from Officer Heppler. • They were concerned because it was [REDACTED] situation and there may have been more victims. • He did not yell out any commands, but they were being given. <p>Sgt. Braconi asked Sgt. Gray about clarification regarding the position of the victim in the house. Sgt. Gray said that [REDACTED] was facedown with [REDACTED] feet facing west.</p> <ul style="list-style-type: none"> • Sgt. Gray didn't know which direction Officer Ison had the E.R.I.W. pointing. • Officer Carrasco's star was visible on the outside of his clothing. He was unsure about Officer Heppler. • He didn't remember Officer Wong coming upstairs. <p>** Refer to recorded interview.</p>
	1603	<p>A recorded interview with Officer Carrasco #1599 was conducted at the Homicide Detail. In addition to me the following people were present:</p> <ul style="list-style-type: none"> • Sgt Braconi #2246 – Homicide Detail • DA Investigator Posada • ADA Michael Sullivan • Christopher Shea – Attorney for Officer Carrasco <p>I clarified with Officer Carrasco that he was giving a voluntary statement. Officer Carrasco said that it was a voluntary statement.</p> <p>Officer Carrasco provided the following information:</p> <ul style="list-style-type: none"> • Date of entry was November of [REDACTED]. • His current assignment is at Richmond in plain clothes. • He had been at Richmond, since 1998. • He worked at Taraval Station on probation.

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DATE	TIME	ACTIVITY
		<ul style="list-style-type: none"> • He trained at Southern Station. • Today his shift was [REDACTED] • He was in plain clothes. <p>Officer Carrasco was wearing a blue shirt, he had his SFPD star around his neck.</p> <ul style="list-style-type: none"> • He was working with Will Heppler today. • They have worked together for the last 3 weeks. • They also worked together last year. • He had his department issued equipment with him. <p>In regards to the incident Officer Carrasco told us the following:</p> <ul style="list-style-type: none"> • There was a call for service – a [REDACTED] had been stabbed in the hand. • The suspect had been identified as [REDACTED]. • They responded from 2 miles away in an unmarked [REDACTED] • As they were responding he heard an on-scene officer advise that the victim was being treated by medics. • He ran up to the scene because the suspect was still inside. • When he arrived at the door Officer Ison, who was in full uniform, had an E.R.I.W. • There was blood all over the sidewalk, foyer marble entrance, and stairwell – all the way up. • They made entry and went up the stairs. • All of them gave commands that they were the police and to come out with their hands up. • As he went up the stairs he saw more and more blood. • When he reached the top of the steps there was blood all over the railing and carpet. • The hallway to the left was darker than the area to the right. • He turned to the hallway and turned flipped the light switch. • The lights didn't work. • He saw a [REDACTED] laying face down wearing pajamas. • The [REDACTED] was gurgling and not moving. • The uniformed officers went to the right to clear the room. • He and Will, (Heppler), repeated commands down the hallway. • Will was behind him to his right. • As they were yelling he told Will that he had to get the [REDACTED] out of there. • He wasn't sure what he said, but he holstered up knowing that Will was covering him down the hallway. • He went into hallway about 3 to 4 feet. • The [REDACTED] feet were facing him.

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DATE	TIME	ACTIVITY
		<ul style="list-style-type: none"> • He went down low and saw a closed door to his left. • As he went down there was movement down the hallway. • There were 2 doors at the end of the hallway – 1 on the right and left. • A [REDACTED] stepped out of the room on the right. • They yelled commands and [REDACTED] went in the room to the left. • He, Officer Carrasco, stood up and without unholstering, repeated commands. There was no reply. • The hallway was narrow. • He knew that he had to get the [REDACTED] out of the hallway so that they could go down it. • He also knew that [REDACTED] needed immediate medical attention. • He went back in, grabbed [REDACTED] ankles and started to pull [REDACTED] • After he went back out of the hallway he saw Officer Heppler suddenly go from the 'low ready' to the point and start yelling, "drop it, put your hand up." • He pulled hard and got the [REDACTED] legs out of the hallway. • He then saw a figure, which he believed was an [REDACTED], coming out of the hallway and into the landing area. • Will was standing his ground and was telling the suspect to put [REDACTED] hands up and drop the knife. • He pulled his own weapon out as Will started to step back at least 2 to 3 steps and fired. • The man went down. • He dragged the [REDACTED] down the steps and outside to the medics. • He left with Will and went down the street to their vehicle. • He did not go back inside of the residence. <p>I showed Officer Carrasco a photo of the hallway that included Sgt. Waaland. I wanted to clarify if the light switch in the photo was the same one that he attempted to turn on. Officer Carrasco confirmed that it was the same.</p> <p>I asked Officer Carrasco where he was when he saw Officer Heppler fire. He, (while looking at the same photo), said that he was on the steps.</p> <ul style="list-style-type: none"> • He saw Officer Heppler fire twice. • He didn't remember seeing anybody but Officer Heppler. • He didn't see the initial victim outside. • He entered to arrest the suspect and check for others. • The suspect was no more than 3 to 4 feet from Officer Heppler when he was shot. • The suspect was even less than that to him. He was on the other side of the railing. <p>I asked Officer Carrasco what he was thinking while it was going on. Officer Carrasco said, "Somebody's gonna get killed. Somebody's gonna get shot. I</p>

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DATE	TIME	ACTIVITY
		thought he was gonna stab either me or my partner.”
		Refer to recorded interview for complete details.
	1627	<p>A recorded interview with Officer Ison #176 was conducted at the Homicide Detail. In addition to me the following people were present for the interview.</p> <ul style="list-style-type: none"> • Sgt Braconi #2246 – Homicide Detail • DA Investigator Posada • ADA Michael Sullivan • Christopher Shea – Attorney for Officer Ison <p>I clarified with Officer Ison that he was giving a voluntary statement and asked if he was prepared to be interviewed. He acknowledged that he was giving a voluntary statement and that he was prepared.</p> <p>Officer Ison provided the following information:</p> <ul style="list-style-type: none"> • Date of entry was July [REDACTED] • Current assignment was Richmond Station, and has been for about 2 ½ to 3 years. • Probation station was Northern. • Training station was Bayview. • His shift was [REDACTED] in uniform. • He was a single man unit. • His call sign was 3G28. • He had his department issued firearm, pepper spray, impact weapon and handcuffs. <p>In regards to the incident Officer Ison told us the following:</p> <ul style="list-style-type: none"> • He was notified by dispatch that there was a possible 219, (stabbing), on Funston. • He was still at the station preparing his gear for the day. • He had grabbed an E.R.I.W - (Extended Range Impact Weapon). • He put himself on the run and responded to the scene. • Upon his arrival he saw fire and paramedics, and Officers Wong and Hernandez. • He responded with and loaded the E.R.I.W. and took it off safety. • He met up with Officer Hernandez, who had his sidearm out. • Officer Hernandez suggested that they wait until further units came. • As soon as enough units were present he took point. • He announced “Police” multiple times as they proceeded up the stairs. • Once upstairs he surveyed the residence. • He proceeded to the right, the front foyer area.

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DATE	TIME	ACTIVITY
		<ul style="list-style-type: none"> • He cleared that room first, with Officer Hernandez as his cover. • They exited that room and entered another that was directly across from the stairway. • Before he entered that room he noticed that there was a body on the ground in the hallway face down. • He notified the others. • He went and cleared the front foyer. • He then went into a den that turned into a bedroom. • Officer Hernandez was still his cover, and Officer Filamor was covering the hallway with Officer Heppler. • As soon as he cleared the den he heard Officer Heppler screaming, "Police. Show me your hands. Put the knife down, put the knife down!" • He then saw Officer Heppler back up with his firearm pointed straight forward. • He had the E.R.I.W. at his shoulder. • He saw the suspect cross the door area that he himself was about to exit out of, at which time he fired 1 bean-bag round at him. • He believed that Officer Heppler fired at the same time. • He saw the suspect fall to the ground. • The suspect was on the ground face down. • He and Officer Filamor bounded to the kitchen. • Officer Filamor cleared the kitchen. • They then cleared the bathroom across from the kitchen. • They continued on down the hallway, at which time a bedroom door opened. • A [REDACTED] exited the door. • He ordered [REDACTED] to come towards him with [REDACTED] hands up. • [REDACTED] ran into the bedroom next to the one [REDACTED] came out of. • They moved forward to the door that [REDACTED] went into, which was locked. • Officer Filamor cleared the bedroom that [REDACTED] exited from. • As soon as that room was cleared he, Officer Ison, ordered the door to be opened. • The door was not opened so he kicked it in, at which time he saw the [REDACTED] with her hands up. • He pulled [REDACTED] out and handed [REDACTED] off to the officers in the hallway. • The bedroom was cleared. • By that time the medics had taken both of the bodies. • He knew that the suspect was in the building. • He noticed blood splatter on the ground. • He believed that Officer Heppler had his star out as a medallion. • He believes that Officer Carrasco also had his star out. • He was approximately 5 feet away when he deployed the E.R.I.W., maybe less. • He saw a knife in the suspect's left hand.

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DATE	TIME	ACTIVITY
		<p>I asked Officer Ison to show us the position that the suspect was in. Officer Ison held both of his hands up with fists clenched. He said that he saw a silver knife in his hand. (Left).</p> <p>I showed Officer Ison the photograph with the 2 knives and evidence marker 6. He said that he couldn't tell which knife it was.</p> <p>I showed Officer the photo of the hallway that included Sgt. Waaland and asked him if he could say where he was standing when he deployed the E.R.I.W. Officer Ison said that it was the door to the right of the stairway. He was inside of the room facing/pointing out.</p> <p>Officer Ison aimed chest high at the suspect, and he believes he hit the suspect on the left side of his body.</p> <p>Officer Ison believed that Officer Heppler fired from about where the photo I just showed him was taken from.</p> <p>Officer Ison believed that the he could have stopped the suspect and he had a clear shot.</p> <p>Officer Ison hoped to have stopped the suspect, but that the suspect would have stabbed Officer Heppler if he didn't use the E.R.I.W.</p> <p>Officer Ison didn't hear the suspect say anything.</p> <p>He didn't slow the suspect after deploying the E.R.I.W.</p>
	1655	<p>A recorded interview with Officer Heppler was conducted at the Homicide Detail. In addition to myself the following people were present for the interview:</p> <ul style="list-style-type: none"> • Sgt Braconi #226 – Homicide Detail • DA Investigator Posada • ADA Michael Sullivan • Christopher Shea – Attorney for Officer Heppler <p>I clarified with Officer Heppler that he was giving a voluntary statement and asked if he was prepared to be interviewed. He acknowledged that he was giving a voluntary statement and that he was prepared.</p> <p>Heppler provided the following information:</p> <ul style="list-style-type: none"> • Date of entry was June [REDACTED] • Current assignment was Richmond Station since [REDACTED] • Probation station was Mission

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DATE	TIME	ACTIVITY
		<ul style="list-style-type: none"> • Training station was Northern • Assigned shift today was [REDACTED] in plain clothes • Was working with Officer Troy Carrasco #1599 • Call sign was 3G35 • He was equipped with his department issued hand gun and had a star around his neck. <p>I asked Officer Heppler what his involvement was in regards to the incident. Officer Heppler told us the following:</p> <ul style="list-style-type: none"> • They got a call of an elderly [REDACTED] who had been stabbed in the hand, possibly by [REDACTED]. • They came up for the call and drove there in their unmarked car. • When they arrived the fire trucks were already on-scene. • Officer Hernandez and Officer Wong were already on the scene. • He believed that Sgt. Gray was there as well. • They arrived and [REDACTED] at the front door, got in a line at the front door. • He was behind Officer Carrasco. • They both had their stars out on their outermost clothing. • He believed that Jason Hernandez was first in line. • Kevin Ison, who had the ERIW, was second, then Carrasco, and then him, and Sgt. Gray was behind him. • There was blood all over the entryway. • As he went up the stairs he noticed blood on the railing of the stairs. • They went up the stairs in a fashion to clear the house. • He had his gun at the low ready. • The other officers had their guns up. • When they got to the top of the stairs they saw that there was an [REDACTED] laying face down in the hallway. • [REDACTED] wasn't moving. • Officers Ison and Hernandez went into the kitchen to clear that room. • Officer Carrasco was in front looking down the hallway. • He was next to Officer Carrasco with his gun at the low ready, behind him. • They saw a [REDACTED], maybe [REDACTED] at the end of the hallway go across into a room. • They started yelling, "Come out. Police. SFPD. Come out with your hands up." • There was no response. • Officer Carrasco said that he was going to holster and try to render aid to the victim by pulling [REDACTED] out of the hallway. • He, (Officer Heppler) went from the low ready and went down the hallway. • Officer Carrasco started pulling the victim out.

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DATE	TIME	ACTIVITY
		<ul style="list-style-type: none"> • He, (Officer Heppler), yelled, "SFPD come out with your hands up, come out with your hands up." • Officer Carrasco pulled [REDACTED] away. • As he was looking down the hallway because he thought that maybe [REDACTED] was the suspect that had stabbed this [REDACTED], a [REDACTED], a [REDACTED] year old [REDACTED] came out of a room real close to him. • He just popped out with a knife in his hand. • He had a glazed look on his face, and had dead eyes. • He, (suspect), raised his hand. • Officer Heppler said, "Drop it, drop the knife, drop the knife. Police, drop the knife." • Officer Heppler started to back up, and back pedaled a little bit. • Officer Heppler back past and the suspect started charging him and he shot him. • Officer Heppler felt that there was an imminent threat to his and the other officer's safety at the scene, and his life, and he wanted to stop the threat. • He didn't know how many rounds he fired, but he shot him. • Officer Heppler was then taken out of the house. • He couldn't say for certain which hand the knife was in. <p>I asked Officer Heppler which position the suspect had the knife in. Officer Heppler stood up and put his hand up about shoulder level. Officer Heppler then told us the following.</p> <ul style="list-style-type: none"> • Officer Heppler knew Officer Carrasco was to his left pulling the [REDACTED] out of the way. • He knew the other officers were in the kitchen area. • He thought that the suspect was the person that had stabbed the person on the floor. • He didn't know if anybody else had fired. <p>I showed Officer Heppler the photo of the knives that were next to evidence marker 6. Officer Heppler said that the bigger knife was the knife he saw.</p> <p>I showed Officer Heppler a photo of the hallway facing east. He was parallel to where Sgt. Waaland was standing in the photo- which was on the landing at the top of the staircase.</p> <p>Officer Heppler pointed to a door on the left side of the hallway and said that the suspect came out of it.</p> <p>Officer Heppler believes that the suspect got to within 5 to 7 feet of him before he shot.</p>

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DATE	TIME	ACTIVITY
		<p>Officer Heppler told us that the suspect did not say anything or make any sounds during the incident, and that the suspect had a 'dead stare' right at him.</p> <p>Officer Heppler believed that the suspect had blood on his shirt.</p> <p>I showed Officer Heppler a photo of the hallway facing west from the bathroom door area. Officer Heppler described said that the suspect fell near the evidence markers 2,3,4,5,6.</p>
10/06/11	1000	<p>Sgt. Braconi advised me that he and DA Investigator Posada had interviewed (W) [REDACTED] and [REDACTED] last night.</p> <p>[REDACTED] asked Sgt. Braconi if he could have his red Nokia cell phone back.</p>
	1115	<p>Sgt. Braconi called and advised me that he had returned [REDACTED] phone to him.</p> <p>Inspector Perez from the Photo Lab delivered me a blown up copy of the crime scene sketch.</p>
	1150	DA Investigator Posada came to the Homicide Detail and gave me a CD-R that included the interview [REDACTED] the night before.
10/11/11	1300	Attended a Return to Duty Hearing for the incident.
	1345	I spoke with Officer Esparza. Officer Esparza asked me if I had been informed that someone from [REDACTED] had attempted to get a copy of the incident report from Richmond Station. Officer Esparza asked me to get him the contact information from the D.A. advocate.
	1350	I spoke with Inspector Cunningham. Inspector Cunningham advised me that he

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DATE	TIME	ACTIVITY
		had just met with Dr. Venus Azar at the Office of the Medical Examiner. Dr. Azar informed Inspector Cunningham that [REDACTED] had 2 gunshot wounds to his chest, five stab wounds to his chest, and that one of his wrists were cut. Dr. Azar had not performed an autopsy yet.
	1420	I called and spoke with [REDACTED] the advocate from the D.A.'s office. She advised me that she has been in contact with the family, but didn't know anything about a request for the incident report. [REDACTED] inquired about an estimate for when the body would be released. I referred her to the Office of the Medical Examiner. I called Officer Esparza and advised him that [REDACTED] was the advocate.
	1430	I spoke with Sgt. Braconi. Sgt. Braconi released the garage door opener, keys, and a couple of cell phones to [REDACTED]. Sgt. Braconi advised me that [REDACTED] had requested a copy of the incident report.
10/12/11	0830	I called and spoke with Dr. Azar about [REDACTED]. She had not performed the autopsy yet, but she described what she had seen: <ul style="list-style-type: none"> • 2 gunshot wounds to the chest. • Stab wounds to the chest. • Cuts on his fingers. • Superficial cuts to the left wrist, which could have been defensive. • About 10 cuts to the wrist. • The appearance of a defensive struggle. • She is going to get blood samples.
	0840	Dr. Azar called and asked me if I wanted to view the body. I told her that I did. She advised that I could come down.
	0845	I met with Dr. Azar in her office. Dr. Azar showed me photos that she had taken of [REDACTED]. The photos were viewed on Dr. Azar's computer. Dr. Azar pointed out gunshot wounds, 1 just below the right nipple, and 1 in the left abdomen area. There was a bruise on the right side of [REDACTED] neck. Dr. Azar led me to the body. She pointed out the wounds that she described earlier.
	1000	I spoke with Lt. Sainez about the
10/15/11	0825	I had a voice message from DA Investigator Posada requesting copies of reports. I called and left DA Investigator Posada a voice message advising that I would attempt to obtain what I could today.
	1045	I went to the C.S.I. office and obtained a copy of the C.S.I. report from [REDACTED] the clerk.

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DATE	TIME	ACTIVITY
	1050	I called and left a voice message for Inspector Nakanishi at the video unit requesting a copy of video footage.
	1055	I called and left DA Investigator Posada a message advising him that I had obtained a copy of the C.S.I. report.
	1056	I reviewed the C.S.I. report.
	1105	<p>I called and left a voice message for Dr. [REDACTED].</p> <p>[REDACTED] Dr. [REDACTED] voice message advised that he worked at the clinic on Tuesdays and Wednesday. My message was a request for a phone call to talk about [REDACTED].</p> <ul style="list-style-type: none"> • A copy of Dr. [REDACTED] contact card was part of the C.S.I. report.
	1107	<p>C.S.I. report review continued.</p> <ul style="list-style-type: none"> • Officer Heppler's pistol had 11 rounds total in it – 1 in the chamber, and 10 in the magazine.
10/19/11	1540	<p>I had a voice message from Dr. [REDACTED] D [REDACTED] voice message advises that he works at the clinic on Tuesday and Wednesdays.</p> <p>I called Dr. [REDACTED] and left him a voice message advising that I would try to call him on Tuesday.</p>
10/20/11	1000	DA Investigator Posada came to the Homicide Detail and made photocopies of the case file for his investigation.
	1045	I took the CD-R of the photos of the scene taken by Officer Ison to DA Investigator Posada's office. DA Investigator Posada made a copy of the CD-R and I retained it.
10/25/11	1030	Sgt. Juarez from Internal Affairs came to the Homicide office and we spoke about the incident. I advised Sgt. Juarez of the stab wounds to [REDACTED], and provided the [REDACTED].
	1120	Officer Shihadeh from the Lake Merced Range called and asked Inspector Cunningham for a copy of the incident report. Inspector Cunningham faxed a copy of the incident report to Officer Shihadeh.
	1435	Photo lab request for M.E. prints and video footage completed.
10/26/11	1130	Inspector Perez came to the Homicide Detail and gave me print sheets for [REDACTED].
	1210	<p>I went to the Photo Lab and picked up the crime scene DVD from Inspector Perez.</p> <p>Inspector Perez was calling the M.E.'s office to inquire about the [REDACTED] photos.</p>
	1220	I looked at the photos regarding [REDACTED] and watched the crime scene video that was recorded by Inspector Nakanishi.
10/27/11	1120	I called Dr. Happy and inquired about [REDACTED] photos. He advised me that he uploaded 58 photos yesterday afternoon.
	1125	I went to the Photo Lab and advised Inspector Perez that the photos had been uploaded. He told me that he would call when they were printed.

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DATE	TIME	ACTIVITY
	1150	Inspector Perez delivered the [REDACTED] M.E. photos to me. I looked at the photos.
10/31/11	0850	I called the M.E.'s office and left a message requesting the blood spots for the [REDACTED].
	0900	I had a voice message from [REDACTED] at the M.E.'s office. She advised me that she passed my request on to the toxicology section.
	1050	I had a voice message from [REDACTED] at the toxicology section of the M.E.'s office. He advised me that he needed me to call and spell my name out and provide my star number for the request, and that it should be available for pickup tomorrow. I called and left the message with the requested information.
11/01/11	1130	I went to the Toxicology Department at the M.E.'s Office and met with [REDACTED]. [REDACTED] gave me (2) blood spots – 1 for [REDACTED] and 1 for [REDACTED] also gave me photocopies of the evidence log and the blood spot envelopes.
	1145	I booked the blood spots as evidence at the Property Control Room.
	1207	I prepared a supplemental report for the blood spot evidence.
11/02/11	1143	I received the Crime Lab Examination Report that was prepared by Mark Proia, a Criminalist II in the Firearm and Tool Mark Unit. FEFER TO REPORT FOR DETAILS.
11/30/11	0900	I called and left a voice message for Dr. [REDACTED] inquiring about what [REDACTED] actual diagnosis was.
	1300	I had a voice message from Dr. [REDACTED] advising that [REDACTED] diagnosis was [REDACTED]. The diagnosis was made about 20 years ago.
12/01/11	1045	Inspector Cunningham advised me that he had received the final C.S.I. report for the incident. Inspector Cunningham gave me the report. I reviewed the report.
03/30/12	0855	Sergeant Braconi advised me that [REDACTED] had called him and asked for his computer back.
	0905	Property Release Form for the laptop computer, bag #015, completed.
	0910	I called [REDACTED] and advised him about the property release.
05/16/13	0800	Received a copy of the M.E.'s report for [REDACTED] from DAI Posada.
08/20/13		The SF Office of the District Attorney prepared a letter advising that Officer Heppler was acting in self-defense and defense of others when he shot [REDACTED].
10/03/13	1005	Memo prepared and submitted for incident. Case closed.

SAN FRANCISCO POLICE DEPARTMENT

INCIDENT REPORT STATEMENT

INCIDENT NO.

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1 1 0 7 9 6 4 9 8											
NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT OPHIR, RON SFPD #1772					DOB/AGE ()		RESIDENCE PHONE (DAY / NIGHT) ()		BUSINESS PHONE (DAY/NIGHT) (415) 666-8000		
RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO					ZIP CODE		BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO 4616 TH AVE. (Co. G)			ZIP CODE 94118	
DATE OF STATEMENT 10/04/11		TIME STARTED 1045 HRS		TIME COMPLETED 1200 HRS		LOCATION WHERE STATEMENT TAKEN AT SCENE <input type="checkbox"/> OTHER: Co. G					
STATEMENT TAKEN BY (NAME / STAR) OPHIR, R. 1772					IN PRESENCE OF						

While in uniform and on patrol in a marked police vehicle on Mon. 10/03/11, I responded to 6█ Funston Ave. on an "A" priority call of a stabbing that just occurred, with the suspect still at the scene. See CAD 112760548. When I arrived at the scene, numerous police units, fire engines, and an ambulance were already at the scene.

I parked my patrol vehicle on Balboa St., at Funston, near the southwest corner, and started to walk towards 6█ Funston, on the east sidewalk. As I walked south on Funston, a few houses in, and prior to reaching 6█ Funston, I heard what sounded like several gunshots fired in rapid succession, coming from the area of 6█ Funston. I ran to 6█ Funston to assist the officers already at the scene.

When I arrived in front of 6█ Funston, and while still standing on the sidewalk in front of the building, I saw 3G35, Off. Carrasco #1599 coming down the stairs of the flat, pulling a bleeding, unconscious █ victim, later identified as (V-2) █ out of the building and place █ on the sidewalk in front of the entry gate. The █ victim was bleeding profusely from multiple injuries to the top of █ torso. Off. Carrasco yelled for a medic and ran back inside 6█ Funston.

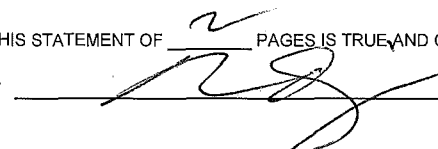
I yelled for a medic and made contact with several paramedics / firefighters who were in the street in front of the building. The paramedics began to treat the █ victim on the sidewalk. Off. Carrasco then came down the stairs, walking with his partner, Off. Heppler #1726. Off. Carrasco escorted Off. Heppler to their parked vehicle, a truck, which was parked on Funston, near Balboa. Off. Heppler appeared to be upset, shaken, and in shock. Off. Carrasco told me that Off. Heppler had just shot the stabbing suspect inside the house. Off. Carrasco told me that a POA representative is enroute to the scene and that he was beginning to make the necessary notifications.

I returned to the scene, 6█ Funston, and encountered 3G1A, Off. Hernandez #1608, who was standing on the sidewalk in front of the building. Off. Hernandez asked me if I had a Crime Scene Log so it could be started. I gave Off. Hernandez a Crime Scene Log, which he started and maintained at the scene. I then went to a patrol car parked in front of the building and retrieved a roll of crime scene tape from the trunk. I taped off the immediate area in front of 6█ Funston as a crime scene.

I advised dispatch that I was enroute to SFGH, where several ambulances were transporting two stabbing victims, (V/R-1) █, and (V-2) █, and the suspect, (S-1) █. When I arrived at SFGH, both victims and the suspect were being treated in the emergency room, Dr. Duong attending. █ injuries were not life threatening and █ remained in the emergency

I DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF █ PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT

 1772

SFPD 377 G (06/93) *

INCIDENT NO. [REDACTED]

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room. [REDACTED] and the suspect were taken to Surgery on the third floor. [REDACTED] was in Surgery #9, being attended by Dr. [REDACTED]. (S-1) [REDACTED] was in Surgery #1, being attended by Dr. [REDACTED]. I gave 3G201, Lt. F. Lee #1179 several updates regarding both the victim's and suspect's status and condition throughout the morning.

Both (V-2) [REDACTED] and (S-1) [REDACTED] were unconscious while at SFGH and neither made any verbal statements or declarations to me. I was advised by a surgery nurse supervisor that (V-2) [REDACTED] expired from [REDACTED] injuries, with the time of death being 0934 hrs. (S-1) [REDACTED] also expired from [REDACTED] injuries, with the time of death being 0941 hrs. I was told that an attendant would transport the bodies to the freezer in the basement of SFGH, awaiting the arrival of the Medical Examiner. I advised Lt. Lee and 3G120, Sgt. Long #128, who directed me to return to Co. G.

I was then told to respond back to the scene at 6 [REDACTED] Funston, to relieve Off. Hernandez, who was still at the scene maintaining the Crime Scene Log. I arrived at 1155 hrs. and relieved Off. Hernandez. I continued to maintain the Crime Scene Log while CSI was inside the flat, processing the scene for evidence. 3G43C, Off. E. Wu #18 responded to the scene at 1400 hrs. and relieved me. Off. Wu continued to maintain the crime scene log.

I DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE.

ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT

[REDACTED]

[REDACTED]

1 SERGEANT SCOTT WARNKE: This is Scott Warnke,
2 Sergeant, Star number 1397, San Francisco Police
3 Department. Today is Monday, October 3rd, 2011,
4 it's approximately 1603 hours. We are in the
5 interview room in the Homicide Detail, the Hall of
6 Justice at 850 Bryant Street. Present with me is...

7 SERGEANT BILL BRACONI: Sergeant Bill
8 Braconi, Star 2246, with the Homicide Detail.

9 INV. JIM POSADA: Investigator Jim Posada,
10 San Francisco DA, 7044.

11 ADA MIKE SULLIVAN: Mike Sullivan, Assistant
12 DA.

13 ATTY CHRISTOPHER SHEA: Christopher Shea,
14 Attorney with the Police Officers Association.

15 OFFICER TROY CARRASCO: Officer Troy
16 Carrasco, Star 1599.

17 SERGEANT WARNKE: How do you spell your last
18 name?

19 OFFICER CARRASCO: C-a-r-r-a-s-c-o.

20 SERGEANT WARNKE: Okay. And so we're clear,
21 this is a voluntary statement and you're here with
22 counsel. Is that correct?

23 OFFICER CARRASCO: Yes.

24 SERGEANT WARNKE: Officer Carrasco, do you

1 remember your date of entry into the Police
2 Department?
3 OFFICER CARRASCO: [REDACTED].
4 SERGEANT WARNKE: And your current
5 assignment?
6 OFFICER CARRASCO: It is Richmond
7 plainclothes.
8 SERGEANT WARNKE: And how long have you been
9 at Richmond Station?
10 OFFICER CARRASCO: I believe it was, uh, the
11 beginning of [REDACTED].
12 SERGEANT WARNKE: And prior to that?
13 OFFICER CARRASCO: I was at Taraval Station,
14 where I served my probation and FTO at Southern.
15 SERGEANT WARNKE: Do you have any other law
16 enforcement experience or any other relevant
17 experience?
18 OFFICER CARRASCO: None.
19 SERGEANT WARNKE: And what shift are you
20 working today?
21 OFFICER CARRASCO: [REDACTED].
22 SERGEANT WARNKE: Uniform or plainclothes?
23 OFFICER CARRASCO: Plainclothes.
24 SERGEANT WARNKE: Is that the shirt you were

1 wearing today?

2 OFFICER CARRASCO: Yes, it was.

3 SERGEANT WARNKE: Okay. So, blue and you just
4 pulled your Star out of your, your inner shirt. Was
5 that the Star you were wearing today?

6 OFFICER CARRASCO: Uh, yes.

7 SERGEANT WARNKE: Is that the same chain and
8 cover?

9 OFFICER CARRASCO: Uh-huh. The card carrier
10 also, it has my ID on it.

11 SERGEANT WARNKE: Okay. So, you have a thick,
12 silver chain. You have a black Star holder with an
13 ID card holder in the back. Were you working with
14 anybody?

15 OFFICER CARRASCO: I was working with Will
16 Heppler.

17 SERGEANT WARNKE: How long have you worked
18 with him?

19 OFFICER CARRASCO: Three weeks, uh, they just
20 go around.

21 SERGEANT WARNKE: Okay.

22 OFFICER CARRASCO: I've worked with him
23 approximately a year prior.

24 SERGEANT WARNKE: And what was your call

1 sign?

2 OFFICER CARRASCO: 3 George 35.

3 SERGEANT WARNKE: Now, in addition to your
4 Star and the shirt you're wearing, what other
5 uniform did you have with you today?

6 OFFICER CARRASCO: I had my Department issued
7 vest, uh, and the equipment that is issued: My gun,
8 pepper spray, uh, handcuffs, handcuff key, whistle.

9 SERGEANT WARNKE: Did you have an impact
10 weapon?

11 OFFICER CARRASCO: I did not have it on my
12 person.

13 SERGEANT WARNKE: A little after 7:15, there
14 was an incident that occurred on the 600 block of
15 Funston. Can you tell us what your involvement was,
16 what happened?

17 OFFICER CARRASCO: Uh, there was a call for
18 service. A [REDACTED] had been stabbed in the hand
19 and the suspect was identified as [REDACTED]. We
20 responded from, uh, about two miles away in an
21 unmarked, uh, [cool] car, actually, a pickup. As we
22 were responding, if I remember correctly, I heard
23 one of the officers who stated that he was 97 or on
24 scene, and said that, uh, the scene was code 4, and

1 that the, uh, the victim was being treated by the
2 medics on scene. When we arrived, we were down at
3 the end of the block because of all the vehicles—
4 Fire and ambulance and police vehicles, got out of
5 our vehicles and ran up to the scene because the
6 information was now coming out that the suspect was
7 still inside.

8 When we got to the doorway, Officer Ison, was
9 in full uniform, had the ERIW and Officer
10 Hernandez, who was in full uniform, uh, was the
11 other uniformed officer there. There was, uh, it
12 was, if you're facing the building, it was the door
13 on the right that was open, and there was blood all
14 over, if I remember, the sidewalk, the stairwell,
15 or excuse me, the foyer marble area, and then the
16 carpeted entrance in the stairwell, all the way up.
17 I don't know the other officers that were behind
18 us, but it was Ison, Hernandez, myself, and then
19 Officer Heppler behind me, and we made entry and
20 went up the stairs.

21 As we were going up, as we made entry and
22 going up the stairs, all of us were repeatedly
23 stating, you know, "Police, San Francisco Police.
24 Come out with your hands up. Come out with your

1 hands up," and this just kept being repeated by all
2 of the officers as we went up the stairs. Going up
3 the stairs, I saw just more and more blood. As we
4 came up to the top of the steps, if you turn to the
5 right, there was blood all over the railing, and
6 you could see the blood on the carpet.

7 As we came up to the top of the stairs, it was
8 really well-illuminated at the top of the stairs
9 and to the right, but to the left, there was a
10 hallway, and that hallway was darker than, uh,
11 everything that was in front of us and to our
12 right. Uh, I turned to the hallway, and everybody's
13 repeating the commands, and I flipped the lights. I
14 was able to locate the lights and flip the lights,
15 and they didn't work in that hallway. As I flipped
16 them, I saw, uh, what I saw was a [REDACTED] laying
17 facedown. I think [REDACTED] was wearing pajamas, and I
18 could hear [REDACTED] gurgling, and [REDACTED] wasn't moving. Uh,
19 the officers in uniform went to the right as we got
20 up to the top of the landing, to clear those, uh,
21 rooms that were there. I couldn't tell you how many
22 rooms, I don't believe the doors were open, but
23 these commands kept being repeated.

24 We kept yelling our commands down the hallway,

1 both Will and I, and Will was behind me on my right
2 side. As we were yelling this, I told Will, you
3 know, "I got to get this [REDACTED] out of here." Uh, I
4 don't know if I said cover me. I don't know, I
5 don't remember what I said, but I reholstered,
6 knowing that Will, you know, had, was covering me
7 and had downrange of the hallway. We kept repeating
8 it as I went in the hall, and I can't tell you,
9 three, four feet, the [REDACTED] feet were facing me.

10 I went down low and there was a door to the
11 left, it was closed. I just, I remember all the
12 doors being closed. As I went down low to grab the
13 [REDACTED] ankles, uh, there was movement at the end
14 of the hallway, and I think there were two doors at
15 the end of the hallway, on the right and left. This
16 [REDACTED] stepped out of the room on the right and we
17 started yelling commands, and then [REDACTED] stepped in
18 the room to [REDACTED] right or our left, out of our view.
19 So, I stepped back and, and without unholstering,
20 stood there and started yelling out the commands
21 again, as well as Will doing the same thing. There
22 was no reply.

23 I...the hallway just seemed really narrow, so I
24 knew I had to get [REDACTED] out of there for us to go

1 down the hallway, and I knew that [REDACTED] needed
2 immediate medical attention. So, I went back in, I
3 grabbed [REDACTED] ankles, and started to pull [REDACTED]. As, as
4 I started to pull, uh, I don't know how far I got.
5 I know I got, I got out of the hallway, but I don't
6 know how far [REDACTED] got, but Will appeared to be at
7 the low ready, and then all of a sudden, he just
8 came up to on point, and started to yell, you know,
9 "Drop. Put your hands up. Drop the knife, put your
10 hands up." I pulled as hard as I could and got down
11 maybe two or three of the steps. I actually thought
12 I was going to fall down the steps, and I got the
13 [REDACTED] to where [REDACTED] upper body and [REDACTED] face were
14 still on the top steps or hallway, and the legs
15 were down.

16 Then I could see this, this figure coming out
17 appeared to be an [REDACTED] that was up like this.
18 Uh, coming out of the hallway and then into right
19 where the landing is or the lighted area. Will was
20 standing his ground yelling the command, you know,
21 "Drop the knife. Drop the knife. Put your hands up
22 and drop the knife," and, uh, I pulled my
23 Department issued weapon out of my holster and then
24 Will started to step back two or three steps, at

1 least, and fired.

2 And then, uh, I went around. The [REDACTED] was down,
3 the officers started to come to the person down. I
4 grabbed the [REDACTED] and dragged [REDACTED] down the steps
5 and brought [REDACTED] outside to the medics. Turned
6 around, and then Will was coming out, and I walked
7 away with him, down the street to our vehicle.

8 SERGEANT WARNKE: Did you return to the
9 residence afterwards? Did you go back inside?

10 OFFICER CARRASCO: I did not.

11 SERGEANT WARNKE: Okay. Thank you. Had you
12 ever been there before?

13 OFFICER CARRASCO: I don't recall ever being
14 there.

15 SERGEANT WARNKE: You ever see any of the
16 people involved before?

17 OFFICER CARRASCO: I don't recall them.

18 SERGEANT WARNKE: Okay. All right. I just
19 have a few, a few questions. You, you mentioned a
20 light switch. Was the light switch in the hallway
21 or in the landing at the top of the stairs?

22 OFFICER CARRASCO: The light switch that I
23 remember using was, you take, as you get to the
24 top, you take a left and the, I believe it was on

1 the right. And I click, click, click, click, and it
2 was nothing, and you could just hear [REDACTED] gurgling.

3 SERGEANT WARNKE: Okay. Okay, all right. And
4 her feet were towards you?

5 OFFICER CARRASCO: Yes.

6 SERGEANT WARNKE: Okay. I'm going to show you
7 a photo, it's of the hallway and there's, Sergeant
8 [Waalands] in it, there's a picture of Venice. And
9 you're pointing to, as you just described, the
10 light switch that's on the other side of the wall,
11 which would be the south side of the wall. That's
12 the light switch that you tried?

13 OFFICER CARRASCO: I believe so, correct. Yes.

14 SERGEANT WARNKE: Okay. And it was at that
15 point that you saw or saw the [REDACTED] and heard the
16 gurgling?

17 OFFICER CARRASCO: Uh, I don't, you know, I
18 can't say for sure.

19 SERGEANT WARNKE: Okay.

20 OFFICER CARRASCO: When I actually, uh,
21 recognized [REDACTED] lying on the floor there, but, uh...

22 SERGEANT WARNKE: Okay.

23 OFFICER CARRASCO: Yeah, sorry.

24 SERGEANT WARNKE: Where were you when you

1 heard the shots or when you saw him shoot actually?

2 OFFICER CARRASCO: I was literally...

3 SERGEANT WARNKE: I'm looking at the same
4 photo.

5 OFFICER CARRASCO: ...just a step or two down,
6 right here, and I was high enough, and he was, he
7 was right, you know. He started here and then
8 backed up, because he was covering me in the
9 hallway.

10 SERGEANT WARNKE: So, where was Officer
11 Heppler initially?

12 OFFICER CARRASCO: Uh, right behind me, up
13 here, on my right side, because I, when I dragged
14 [REDACTED] came tight to the wall, and if I remember
15 correctly, Sergeant Gray was standing right, just
16 pressed up in the corner to my left, at, at the,
17 right here on the landing.

18 SERGEANT WARNKE: Okay. Okay. So, and you see
19 Officer Heppler backpedaling?

20 OFFICER CARRASCO: He didn't initially
21 backpedal, he, he was standing his ground and then
22 he's stepping back while he's at the high ready, on
23 point on this [REDACTED] and the [REDACTED] walking, or
24 walking fast towards him.

1 SERGEANT WARNKE: Okay.

2 OFFICER CARRASCO: He, he took some big steps
3 backwards when he decided to give up ground.

4 SERGEANT WARNKE: Okay. Now, when you first
5 described the person walking towards him in the
6 hallway, you had both of your hands up, about, just
7 about at the top, you know, about, a little bit
8 above shoulder level.

9 OFFICER CARRASCO: Yeah. I know for sure the
10 one on the right was like this, and it looked like
11 the left side was up, you know, almost as high, but
12 not as high.

13 SERGEANT WARNKE: And [REDACTED] had it in [REDACTED] hands?

14 OFFICER CARRASCO: I, you know what, I never
15 saw anything in [REDACTED] hands. I just didn't recognize
16 anything other than Officer Heppler alerting that
17 this [REDACTED] was coming.

18 SERGEANT WARNKE: But you heard Officer
19 Heppler giving commands?

20 OFFICER CARRASCO: Yes.

21 SERGEANT WARNKE: And what was he saying?

22 OFFICER CARRASCO: Drop the knife, drop the
23 knife, and I started yelling the same thing.

24 SERGEANT WARNKE: Did you actually see

1 Officer Heppler discharge his firearm?

2 OFFICER CARRASCO: Yes.

3 SERGEANT WARNKE: Okay. Do you know how many
4 times?

5 OFFICER CARRASCO: Uh, twice.

6 SERGEANT WARNKE: Did the suspect say, or did
7 the person say anything ever?

8 OFFICER CARRASCO: I didn't hear anything
9 audibly, it was just more of a groan or a grunt or
10 a (growls), you know, a gurgle. It wasn't anything
11 audible that I could make out.

12 SERGEANT WARNKE: Do you recall where the
13 other, you told us where Sergeant Gray was. What
14 about Officer Ison?

15 OFFICER CARRASCO: I have no... From behind
16 Officer Heppler, west, I don't remember seeing
17 anything at all or any of the officers. When I
18 backed out and this happened, it was Officer
19 Heppler and everything forward.

20 SERGEANT WARNKE: Okay. And you went in the
21 residence because, the reason for entering?

22 OFFICER CARRASCO: Well, the reason for
23 entering is that we were told that there was
24 somebody who was armed and inside the residence,

1 and looking at all that blood, it was, uh, for the
2 immediacy of locating this person, and you know,
3 protecting anybody else inside the residence.

4 SERGEANT WARNKE: Did you ever see the person
5 outside who...did you see anybody else outside when
6 you first arrived?

7 OFFICER CARRASCO: I never even saw the
8 victim, other than all Fire and medics to one side.
9 I went straight towards the officers in the front
10 door.

11 SERGEANT WARNKE: So, the information evolved
12 that the suspect was still inside?

13 OFFICER CARRASCO: Was still inside the
14 residence.

15 SERGEANT WARNKE: Seeing all this blood, uh,
16 you went inside for the suspect and to make sure.

17 OFFICER CARRASCO: Anybody else inside was
18 safe.

19 SERGEANT WARNKE: Okay. And how far away do
20 you think the, call [REDACTED] the suspect, was before
21 Officer Heppler shot [REDACTED] How close was [REDACTED] to
22 Officer Heppler?

23 OFFICER CARRASCO: No more than three or four
24 feet.

1 SERGEANT WARNKE: And how close was [REDACTED] to
2 you?
3 OFFICER CARRASCO: Uh, less than that, right
4 on the other side of the railing.
5 SERGEANT WARNKE: Was your weapon out?
6 OFFICER CARRASCO: Uh, I was getting it out.
7 SERGEANT WARNKE: Okay.
8 OFFICER CARRASCO: Because I had to let go of
9 the [REDACTED]
10 SERGEANT WARNKE: Okay. What was your, what
11 were you thinking when this was going on, Officer
12 Carrasco?
13 OFFICER CARRASCO: Somebody's going to get
14 killed, somebody's going to get shot. I thought [REDACTED]
15 was going to stab either me or my partner.
16 SERGEANT WARNKE: Okay. Sergeant Braconi?
17 SERGEANT BRACONI: I got no questions.
18 DAI POSADA: I've just got a couple.
19 OFFICER CARRASCO: Sure.
20 DAI POSADA: Uh, Officer Carrasco, so on
21 that landing, there were other uniformed patrol
22 officers that had made it. You just don't recall
23 where they were on that hall, in that hallway? I'm
24 going to call it a hallway.

1 OFFICER CARRASCO: Well, they, the two
2 officers that were on point with the shotgun and
3 the handgun, came up and went, turned right, they
4 curled right. We had this hallway. When I went in,
5 I believe, whoever was behind me, then went right.
6 I have no idea if there was still somebody behind
7 me.

8 DAI POSADA: Okay. But at least two
9 uniformed officers made it onto that hallway?

10 OFFICER CARRASCO: Uh, yes.

11 DAI POSADA: Okay.

12 OFFICER CARRASCO: It was Officer Ison and
13 Officer Hernandez who went right.

14 DAI POSADA: Okay. And, uh, your
15 partner, Heppler.

16 OFFICER CARRASCO: Yes?

17 DAI POSADA: He was also in
18 plainclothes?

19 OFFICER CARRASCO: Yes, he was.

20 DAI POSADA: Uh, do you know if he had
21 his, uh, his badge...

22 OFFICER CARRASCO: Star out, displayed
23 medallion-style on a chain from around his neck,
24 and so did I.

1 DAI POSADA: Similar to how you had
2 yours.
3 OFFICER CARRASCO: Correct.
4 DAI POSADA: Okay. Those are the only
5 questions I have.
6 ADA SULLIVAN: Yeah. Just to clarify a
7 couple of things. So, uh, we talked about the first
8 point at which you see the subject, [REDACTED] got both
9 of [REDACTED] hands up on either side of [REDACTED] head. Is that
10 correct?
11 OFFICER CARRASCO: Yes, the right one was
12 higher.
13 ADA SULLIVAN: And so, the right one will
14 be about ear level. Would that be about accurate?
15 OFFICER CARRASCO: I believe it was, yes.
16 ADA SULLIVAN: And [REDACTED] left hand would be
17 maybe more between [REDACTED] shoulder and the chin. Would
18 that be about right?
19 OFFICER CARRASCO: Yeah, or [REDACTED] ear, yeah.
20 ADA SULLIVAN: Okay. And I'm just going
21 off of what I'm seeing you mimic. Would that be a
22 fair description?
23 OFFICER CARRASCO: Yes.
24 ADA SULLIVAN: And you don't recall seeing

1 anything in [REDACTED] hands.
2 OFFICER CARRASCO: No.
3 ADA SULLIVAN: Do you recall whether [REDACTED]
4 hands were...
5 OFFICER CARRASCO: Clenched.
6 ADA SULLIVAN: ...closed in a fist or
7 whether they were open?
8 OFFICER CARRASCO: Clenched.
9 ADA SULLIVAN: Both of them?
10 OFFICER CARRASCO: Uh, the right one for sure.
11 I can't say for sure the left one.
12 ADA SULLIVAN: So, the right one would
13 have been the one closest to you.
14 OFFICER CARRASCO: Correct.
15 ADA SULLIVAN: And at the time that you
16 saw [REDACTED], [REDACTED] was, uh, facing Officer Heppler?
17 OFFICER CARRASCO: Yes.
18 ADA SULLIVAN: And the distance between
19 the two?
20 OFFICER CARRASCO: It closed fast, from the
21 distance of the hallway here, uh, because I was
22 still dragging the [REDACTED] out, and until he started
23 giving up ground. So, when [REDACTED] came into clear view,
24 that's only the distance of three to four feet.

1 ADA SULLIVAN: And then Officer Heppler,
2 uh, gave ground, at least two or three steps.

3 OFFICER CARRASCO: Correct.

4 ADA SULLIVAN: Before firing. Correct?

5 OFFICER CARRASCO: Correct.

6 ADA SULLIVAN: And he was still giving
7 verbal commands to drop the knife?

8 OFFICER CARRASCO: Correct.

9 ADA SULLIVAN: And at any time during this
10 period, did you see the knife in [REDACTED] hand?

11 OFFICER CARRASCO: I don't recall the knife.

12 ADA SULLIVAN: All right. And then, uh, at
13 the time Officer Heppler shot the subject, is it my
14 understanding that [REDACTED] would have been about, the
15 subject would have been about abreast of you coming
16 in about where the stairs began?

17 OFFICER CARRASCO: Yes, or, or...yes. Right in-
18 between, I believe right in-between the archway
19 here and the newel post.

20 ADA SULLIVAN: So, if I have it right, the
21 subject, if [REDACTED] did have a knife in [REDACTED] hand, would
22 have been possibly within striking distance of you?

23 OFFICER CARRASCO: Yes.

24 SERGEANT WARNKE: Is that correct?

1 OFFICER CARRASCO: Yes.

2 ADA SULLIVAN: Uh, I have no further
3 questions. Thank you.

4 ATTORNEY SHEA: I got nothing.

5 SERGEANT WARNKE: Okay. It's approximately
6 1622, we'll conclude this interview.

7 **END OF DOCUMENT**

1 SERGEANT SCOTT WARNKE: This is Scott Warnke,
2 Sergeant with the San Francisco Police Department,
3 Star number 1397, I work in the Homicide Detail.
4 Today is Monday, October 3rd, 2011, it's
5 approximately 1310 hours. We are in an interview
6 room at the Homicide Detail, Hall of Justice at 850
7 Bryant Street. This is an interview regarding Case
8 number 110 796 498 and present with me are...

9 SERGEANT BILL BRACONI: Sergeant Bill
10 Braconi, Star 2246, with the Homicide Detail.

11 ATTY CHRISTOPHER SHEA: Christopher Shea,
12 Attorney with the Police Officers Association.

13 INV. JIM POSADA: Investigator Jim Posada,
14 San Francisco DA, 7044.

15 ADA MIKE SULLIVAN: And Mike Sullivan,
16 Assistant DA

17 SERGEANT WARNKE: And...

18 OFFICER KAREN FERRETTI: Officer Karen
19 Ferretti, Star number 1689.

20 SERGEANT WARNKE: 16...how do you spell your
21 last name?

22 OFFICER FERRETTI: F-e-r-r-e-t-t-i.

23 SERGEANT WARNKE: Okay. And you are in
24 uniform right now. Do you remember your date of

1 entry into the Department?

2 OFFICER FERRETTI: Uh, [REDACTED].

3 SERGEANT WARNKE: And your current
4 assignment?

5 OFFICER FERRETTI: Richmond Police Station,
6 Patrol.

7 SERGEANT WARNKE: And how long have you
8 been in that assignment?

9 OFFICER FERRETTI: Uh, in Patrol or at
10 Richmond? Sorry.

11 SERGEANT WARNKE: At your current
12 assignment.

13 OFFICER FERRETTI: At Richmond Station on
14 Patrol, I've been there for a little over three-
15 and-a-half years.

16 SERGEANT WARNKE: And what shift were you
17 working today?

18 OFFICER FERRETTI: [REDACTED].

19 SERGEANT WARNKE: And is that uniform or...

20 OFFICER FERRETTI: I'm sorry, [REDACTED].

21 SERGEANT WARNKE: [REDACTED]?

22 OFFICER FERRETTI: Yeah, I'm sorry. [REDACTED].

23 SERGEANT WARNKE: That's okay. Is that
24 uniform or plainclothes?

1 OFFICER FERRETTI: Uniform.
2 SERGEANT WARNKE: Do you work with a
3 partner?
4 OFFICER FERRETTI: No.
5 SERGEANT WARNKE: And your call sign today?
6 OFFICER FERRETTI: 3 George 5 Adam.
7 SERGEANT WARNKE: Is this the uniform that
8 you were wearing earlier?
9 OFFICER FERRETTI: Yes.
10 SERGEANT WARNKE: Can you tell me what
11 other, us, what other equipment you had with you?
12 OFFICER FERRETTI: I had no other equipment,
13 just what I have on.
14 SERGEANT WARNKE: Just what you have on
15 now?
16 OFFICER FERRETTI: Yes.
17 SERGEANT WARNKE: So, now you have on a gun
18 belt.
19 OFFICER FERRETTI: Correct.
20 SERGEANT WARNKE: And you have, uh, your
21 duty weapon and you have your baton.
22 OFFICER FERRETTI: Cuffs, baton, pepper
23 spray, and radio.
24 SERGEANT WARNKE: Okay. Were you in a, you

1 were in a marked unit?

2 OFFICER FERRETTI: Yes.

3 SERGEANT WARNKE: There was an incident
4 that occurred about 7:15 on the 600 block of
5 Funston.

6 OFFICER FERRETTI: Yes.

7 SERGEANT WARNKE: Can you tell us what your
8 involvement was?

9 OFFICER FERRETTI: Uh, yes. There was a call
10 for a 219, uh, a call regarding a knife. Uh, I
11 basically responded to assist officers in this
12 call. I, when I arrived on scene, uh, approximately
13 the time I arrived on scene, I heard, uh, Officer
14 Carrasco go over air and say that there was a...not
15 words exactly, but there was a shooting. Uh, then I
16 rushed in or I rushed to the area; I saw a [REDACTED]
17 being dragged out. Then I made entry going up the
18 stairs and when I saw Troy, I'm sorry, Officer
19 Carrasco and Officer Heppler exiting the building.
20 I saw Sergeant Gray, uh, with [REDACTED] uh, that was
21 laying facedown. Other units, which I believe was
22 Officer Filamor and Officer Ison, headed towards
23 the back of the, uh, residence. I went to assist in
24 conducting a further search of the, uh, the

1 residence. Uh, we located or we saw a [REDACTED] open a
2 bedroom door. [REDACTED] exited the door, saw us, and ran
3 into another room, and locked the door. Officer
4 Ison, uh...we identified ourselves. Officer Ison
5 kicked in the door and then I went in to handcuff
6 [REDACTED]
7 SERGEANT WARNKE: Where were you? Did you
8 hear shots?
9 OFFICER FERRETTI: No.
10 SERGEANT WARNKE: You never heard the
11 shots?
12 OFFICER FERRETTI: No.
13 SERGEANT WARNKE: Okay. Do you remember
14 where you were when you said that Officer Carrasco,
15 on the radio, said that there were shots?
16 OFFICER FERRETTI: I was literally, just
17 pulling at the scene.
18 SERGEANT WARNKE: Okay. When you got to the
19 scene outside.
20 OFFICER FERRETTI: Yes?
21 SERGEANT WARNKE: What did you see?
22 OFFICER FERRETTI: I saw firefighters and
23 paramedics on scene already, and I was running to
24 the front door. And I saw, and I don't remember

1 who, but a [REDACTED] being pulled out of the building,
2 of the residence.

3 SERGEANT WARNKE: Who was pulling the
4 [REDACTED]?

5 OFFICER FERRETTI: I, I don't recall.

6 SERGEANT WARNKE: Okay. Did the [REDACTED] say
7 anything?

8 OFFICER FERRETTI: No.

9 SERGEANT WARNKE: What did the [REDACTED] look
10 like, if you can remember?

11 OFFICER FERRETTI: [REDACTED] actually was
12 completely, it looked like [REDACTED] was lifeless. Uh, I
13 didn't see [REDACTED] face because [REDACTED] shirt, I think when
14 they were pulling [REDACTED] out got, uh, got pulled up.
15 So, I knew it was a [REDACTED] due to, uh, [REDACTED] chest
16 being exposed.

17 SERGEANT WARNKE: Okay. Did you notice any
18 injuries?

19 OFFICER FERRETTI: Just blood, I just saw
20 blood.

21 SERGEANT WARNKE: Inside, you said there
22 was a, you said there was [REDACTED] laying down?

23 OFFICER FERRETTI: Yes. Walking up the
24 stairs, I saw [REDACTED], uh, laying on [REDACTED] stomach.

1 Uh, [REDACTED] was moaning, or what I appeared to be
2 moaning sounds coming from [REDACTED]
3 SERGEANT WARNKE: Was anybody near [REDACTED]
4 OFFICER FERRETTI: Sergeant, uh, Gray.
5 SERGEANT WARNKE: Sergeant Gray.
6 OFFICER FERRETTI: Was standing with [REDACTED].
7 SERGEANT WARNKE: What was Sergeant Gray
8 doing?
9 OFFICER FERRETTI: Uh, just standing there,
10 from my recollection.
11 SERGEANT WARNKE: Aside from the moaning,
12 did you hear the person on the ground say anything?
13 OFFICER FERRETTI: No.
14 SERGEANT WARNKE: Did you smell anything
15 when you went in?
16 OFFICER FERRETTI: No, not that I recall.
17 SERGEANT WARNKE: Any of the officers say
18 anything to you?
19 OFFICER FERRETTI: Uh, say anything to me
20 when I came in? No. I think when I, after I saw
21 Sergeant Gray, I just, I just went to the back. I
22 don't know if they told me they were looking to see
23 if anybody else was in the back or just, I just
24 knew that they were doing.

1 SERGEANT WARNKE: Previous to Richmond
2 Station, where did you work?
3 OFFICER FERRETTI: Uh, Northern and Mission.
4 SERGEANT WARNKE: Northern, how long were
5 you at Northern?
6 OFFICER FERRETTI: Uh, a pretty short time,
7 about seven months or so.
8 SERGEANT WARNKE: Was that...
9 OFFICER FERRETTI: My probation station.
10 SERGEANT WARNKE: So, then you worked at
11 Mission. Did you train at Mission?
12 OFFICER FERRETTI: I did.
13 SERGEANT WARNKE: Okay. You been to
14 incidents not exactly the same, but similar to
15 this, before?
16 OFFICER FERRETTI: Uh, nothing involve an
17 officer shooting, but, uh, stabbings and...yes,
18 shootings, other than officer involved.
19 SERGEANT WARNKE: Is this the first
20 officer-involved shooting you've been to?
21 OFFICER FERRETTI: Yes.
22 SERGEANT WARNKE: Okay.
23 OFFICER FERRETTI: To my recollection.
24 SERGEANT WARNKE: Okay. Sergeant Braconi?

1 SERGEANT BRACONI: Yeah, just a couple of
2 quick questions. Uh, where did you respond from
3 when you heard the call come out? Where were you in
4 the district?

5 OFFICER FERRETTI: Uh, I'm, I work the 5-
6 car, so I was in the 5-, 4-car location, so that's
7 closer to the Great, uh, Great Highway.

8 SERGEANT BRACONI: Okay. I, I'm not familiar
9 with the, the sector cars there. So, where would,
10 you know, approximately, what would be the
11 location?

12 OFFICER FERRETTI: Uh, where the incident
13 took place is about the 3- or 4-car, that's like on
14 the border, and then after Park Presidio, it goes,
15 you know, 4 and 5

16 SERGEANT BRACONI: Uh, okay. So...

17 OFFICER FERRETTI: So, all the way, my
18 sector's all the way at Great Highway.

19 SERGEANT BRACONI: And then where were you,
20 you know, cross-street-wise?

21 OFFICER FERRETTI: Uh...

22 SERGEANT BRACONI: If you can remember.

23 OFFICER FERRETTI: I was somewhere on Geary
24 and maybe like 27th.

1 SERGEANT BRACONI: Okay.

2 OFFICER FERRETTI: It's, I'm somewhere
3 around there.

4 SERGEANT BRACONI: Okay. And then, was your
5 response code 3 or just, just as quick as you can
6 get there?

7 OFFICER FERRETTI: No, it's as quick as I
8 can get there without my lights and sirens.

9 SERGEANT BRACONI: Okay. And, uh, let's see
10 here. Uh, I know, uh, Sergeant Warnke asked you who
11 was dragging the [REDACTED] out of the building. Do you
12 remember if it was PD or Fire or medics or you just
13 don't remember?

14 OFFICER FERRETTI: I, I really, I just, I
15 can't remember. I think maybe medics started, I
16 want to say medics started to...I don't know.

17 SERGEANT BRACONI: If you can't remember,
18 you can't remember at this point.

19 OFFICER FERRETTI: I can't remember. I know
20 medics were on scene, but I'm not sure if they
21 actually, if it was safe for them to.

22 SERGEANT BRACONI: Do you remember if they
23 were on a board or a gurney, or were they just
24 carrying the person, uh, without that?

1 OFFICER FERRETTI: I can't remember.
2 SERGEANT BRACONI: You don't recall?
3 OFFICER FERRETTI: I don't recall them
4 putting [REDACTED] in an am, an ambulance at all. I went
5 straight upstairs.
6 SERGEANT BRACONI: Okay. And then, uh, when
7 you handcuffed [REDACTED] in the back.
8 OFFICER FERRETTI: Uh-huh?
9 SERGEANT BRACONI: Did that person make any
10 spontaneous statements that you heard?
11 OFFICER FERRETTI: Uh, [REDACTED] didn't say
12 anything spontaneous. We asked [REDACTED] if there was any
13 other, anybody else in the house, and then [REDACTED] said
14 no. Well, you know, [REDACTED] said you know, [REDACTED],
15 [REDACTED], and [REDACTED] said [REDACTED] just woke
16 up.
17 SERGEANT BRACONI: Okay. That's all I got.
18 SERGEANT WARNKE: I'm sorry. With the other
19 officers, do you remember the other...
20 OFFICER FERRETTI: With me at the time?
21 SERGEANT WARNKE: Yeah. That you remember,
22 who were at the scene?
23 OFFICER FERRETTI: Uh, who was with me and
24 searching the back of the house was Joe Filamor and

1 Kevin Ison.

2 SERGEANT WARNKE: Did you remember, and
3 then you mentioned Sergeant Gray.

4 OFFICER FERRETTI: Sergeant Gray was with
5 the, the [REDACTED] lying on [REDACTED] stomach.

6 SERGEANT WARNKE: Okay. Anybody else that
7 you recall?

8 OFFICER FERRETTI: I saw Troy, uh, Heppler,
9 Officer Heppler and Carrasco coming down the stairs
10 when I was entering.

11 SERGEANT WARNKE: Okay.

12 OFFICER FERRETTI: I...

13 SERGEANT WARNKE: And how were Officers
14 Filamor, how was he dressed?

15 OFFICER FERRETTI: In uniform.

16 SERGEANT WARNKE: Ison?

17 OFFICER FERRETTI: In uniform.

18 SERGEANT WARNKE: Sergeant Gray?

19 OFFICER FERRETTI: In uniform.

20 SERGEANT WARNKE: Officer Heppler?

21 OFFICER FERRETTI: Plainclothes.

22 SERGEANT WARNKE: And Officer Carrasco?

23 OFFICER FERRETTI: Plainclothes.

24 SERGEANT WARNKE: Do you remember, if you

1 do, any other officers that were on scene?

2 OFFICER FERRETTI: Uh, I know I saw Jason,
3 uh, Officer Hernandez and Officer Wong later, but I
4 don't recall them being in the house when I was in
5 the house.

6 SERGEANT WARNKE: Okay. And I should have
7 said this in the beginning, but you're here, this
8 is a voluntary statement.

9 OFFICER FERRETTI: Yes.

10 SERGEANT WARNKE: You're here with your
11 attorney.

12 SERGEANT BRACONI: Okay. Can I just ask one
13 quick follow-up to Scott's question? Uh, you said
14 Officer Carrasco and Officer Heppler were wearing
15 plainclothes.

16 OFFICER FERRETTI: Yes.

17 SERGEANT BRACONI: Do you remember what they
18 were wearing?

19 OFFICER FERRETTI: Uh, I remember Heppler
20 wearing a zip-up sweatshirt, I believe it was blue,
21 but I can't, uh, and I think, I think jeans. And
22 then I know Troy Carrasco was wearing a blue shirt,
23 I believe jeans as well, but I can't recall the
24 pants for sure, for certain.

1 SERGEANT BRACONI: Thank you.

2 DAI POSADA: And I've got a couple of

3 questions actually. Uh, when you arrived on scene

4 and you went up the stairs, and it was Filamor and

5 Ison that you joined, joined at the top of the

6 stairs inside the house?

7 OFFICER FERRETTI: They weren't on top of

8 the, they weren't at the stairs, they were behind

9 Sergeant... It was the stairs.

10 DAI POSADA: Sure.

11 OFFICER FERRETTI: And then Gray was,

12 Sergeant Gray was standing at the top of the

13 stairs, with the person laying down, and the

14 Officer Filamor and Officer Ison were behind him,

15 starting to do a sweep of the house.

16 DAI POSADA: Clear the residence.

17 OFFICER FERRETTI: Right.

18 DAI POSADA: Okay. And you helped them

19 clear the residence?

20 OFFICER FERRETTI: I did.

21 DAI POSADA: And in clearing the residence,

22 were there, uh, weapons drawn or?

23 OFFICER FERRETTI: Yes.

24 DAI POSADA: Okay.

1 OFFICER FERRETTI: Uh, I had mine out.
2 However, it wasn't aimed, it was down, uh, my
3 flashlight. And then, uh, I can't recall. There was
4 an ERIW and I'm not sure if it was, I'm not sure if
5 Ison was holding it or Officer Filamor was holding
6 it.
7 DAI POSADA: Okay. So, possibly one of them
8 was holding it?
9 OFFICER FERRETTI: I want to say Officer
10 Ison, but I, I can't be, uh, certain.
11 DAI POSADA: Okay. So, as you're clearing
12 the, uh, residence, you encounter one [REDACTED] inside
13 the house.
14 OFFICER FERRETTI: Correct.
15 DAI POSADA: And [REDACTED] was ultimately
16 detained and [REDACTED] the one who said [REDACTED] and
17 [REDACTED] ...
18 OFFICER FERRETTI: [REDACTED]
19 DAI POSADA: [REDACTED] Okay. After
20 [REDACTED] detained, uh, do you guys take [REDACTED] out of the
21 house?
22 OFFICER FERRETTI: I did. I sat [REDACTED] down in
23 front of, uh, not directly in front of the
24 residence, but where the garage is.

1 DAI POSADA: Okay.

2 OFFICER FERRETTI: And I sat with [REDACTED]. Then

3 I eventually, uh, took [REDACTED], took the handcuffs off

4 of [REDACTED] and I sat [REDACTED] in my vehicle, my patrol

5 vehicle.

6 DAI POSADA: Okay. And from that point, did

7 [REDACTED] say anything else to you about what had

8 happened?

9 OFFICER FERRETTI: Uh, no. [REDACTED] claimed that

10 [REDACTED] was still asleep. I just asked if [REDACTED] was okay.

11 Uh, [REDACTED] revealed to me that, uh, [REDACTED], as

12 well as [REDACTED] suffer from, uh, [REDACTED] I'm

13 not, [REDACTED] wasn't specific. [REDACTED] says that [REDACTED]

14 [REDACTED] and so, [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED] also informed me that, uh, [REDACTED] usually

16 doesn't stay with [REDACTED], [REDACTED] only visits

17 twice a week.

18 DAI POSADA: Okay. Uh, and did you drive

19 [REDACTED] down to the Hall?

20 OFFICER FERRETTI: I did. I took [REDACTED] to

21 8...uh, to Homicide.

22 DAI POSADA: Okay. Did [REDACTED] say anything

23 else to you as you guys were driving?

24 OFFICER FERRETTI: No.

1 DAI POSADA: Or that's pretty much it.
2 Okay. I have no other questions.
3 ADA SULLIVAN: A couple of just follow-ups.
4 Uh, Officer, is it Heppler, and Officer Carrasco,
5 they were in plainclothes. Correct?
6 OFFICER FERRETTI: Correct.
7 ADA SULLIVAN: Uh, do you recall whether you
8 saw their Stars exposed on their belts or around
9 their neck at all?
10 OFFICER FERRETTI: I want to say both of
11 them had around their necks. I could, I think I
12 remember when, well, it was Officer Heppler was
13 walking down. I, I believe I saw his Star.
14 ADA SULLIVAN: Uh, and you put your left hand
15 up to the center of your chest.
16 OFFICER FERRETTI: Yeah.
17 ADA SULLIVAN: Is that where you think?
18 OFFICER FERRETTI: Yeah. Yeah.
19 ADA SULLIVAN: Okay. And then, do you recall
20 whether, uh, Troy Carrasco had his Star?
21 OFFICER FERRETTI: I think the same thing,
22 but I'm not certain.
23 ADA SULLIVAN: Have you, uh, ever had any
24 prior calls to this address before?

1 OFFICER FERRETTI: No, not to my knowledge,
2 not to my recollection.

3 ADA SULLIVAN: Have you ever interacted with
4 any of the people involved in this particular
5 incident?

6 OFFICER FERRETTI: Uh, I don't know the
7 other, the three people that were hurt. I, but for
8 the [REDACTED] that I transported, no, I don't.

9 ADA SULLIVAN: Uh, when you got inside the
10 house and you went to the top of the stairs, you
11 saw Sergeant Gray with the [REDACTED] face down. Correct?

12 OFFICER FERRETTI: Yes. Well, [REDACTED] face was
13 to the side.

14 ADA SULLIVAN: Face to the side, but chest
15 down?

16 OFFICER FERRETTI: Yeah, on [REDACTED] stomach.

17 ADA SULLIVAN: Do you recall whether the, uh,
18 feet... Well, first, let me ask you when you get to
19 the top of the stairs, the [REDACTED] that's down on the
20 ground with [REDACTED] chest down, would [REDACTED] be to your
21 left or to your right?

22 OFFICER FERRETTI: [REDACTED] uh, I was still on
23 the stairs, so [REDACTED] was to my right technically.

24 ADA SULLIVAN: And when you looked at [REDACTED]

1 were [REDACTED] feet closest to you or was [REDACTED] head?
2 OFFICER FERRETTI: Uh, head and then body.
3 ADA SULLIVAN: So, the feet would be away
4 from you?
5 OFFICER FERRETTI: Yeah.
6 ADA SULLIVAN: So, it would be as though...let
7 me ask you this. How far was [REDACTED] head, uh, to the
8 stairs?
9 OFFICER FERRETTI: That's kind of difficult
10 to say, because there was a stairway and then it
11 looked like it kind of had a little bannister, and
12 [REDACTED] was kind of in the middle of—if you wanted to
13 get up, if you wanted to go to the next step, [REDACTED]
14 was just laying right in the middle.
15 ADA SULLIVAN: Okay. So, [REDACTED] was at the top of
16 the stairs?
17 OFFICER FERRETTI: Yeah.
18 ADA SULLIVAN: Uh, let's see. When you
19 arrived, did you see an [REDACTED] being treated
20 by paramedics?
21 OFFICER FERRETTI: No, I did not.
22 ADA SULLIVAN: That's it. Thank you.
23 SERGEANT WARNKE: I have a photo here I'm
24 going to show you. There's a staircase, there's a

1 shoe in the middle of the stairs. In relation to
2 that, can you describe where you saw the person
3 laying down?

4 OFFICER FERRETTI: I was right here.

5 SERGEANT WARNKE: Okay. So, you were at the
6 top?

7 OFFICER FERRETTI: Well, I think there's one
8 more step right here.

9 SERGEANT WARNKE: Okay.

10 OFFICER FERRETTI: But on top of these
11 stairs.

12 ATTORNEY SHEA: And I'm sorry, when you
13 say there's one more step right here, you're
14 saying?

15 OFFICER FERRETTI: To that.

16 ATTORNEY SHEA: That's not visible in the
17 photograph?

18 OFFICER FERRETTI: Yeah. I believe there's
19 like one more step that will get you...

20 ATTORNEY SHEA: So, if you were to go to
21 the top of the stairs shown in this picture and
22 turn right.

23 OFFICER FERRETTI: You had to step one more.

24 ATTORNEY SHEA: You'd have to step up one

1 more.

2 OFFICER FERRETTI: I think so.

3 ATTORNEY SHEA: Okay.

4 OFFICER FERRETTI: If I remember correctly.

5 ATTORNEY SHEA: Okay.

6 SERGEANT WARNKE: Okay. Thank you.

7 SERGEANT BRACONI: And not to belabor this

8 point, but I got a little confused by one of the

9 questions. So, the house, the front of the house

10 faces west. Correct? Faces to the west?

11 OFFICER FERRETTI: Yes.

12 SERGEANT BRACONI: And the back of the house

13 would be to the east?

14 OFFICER FERRETTI: Yes.

15 SERGEANT BRACONI: Okay. Is the person's

16 feet, is the person's head facing to the west and

17 the feet to the east?

18 OFFICER FERRETTI: Yes.

19 SERGEANT BRACONI: Okay. So, as you get to

20 the top of the stairs.

21 OFFICER FERRETTI: I looked over.

22 SERGEANT BRACONI: To your right.

23 OFFICER FERRETTI: Right. To my right, and

24 basically, [REDACTED] was, [REDACTED] head was right here and [REDACTED]

1 feet were right here.

2 SERGEANT BRACONI: And you say right here,
3 so that's to your right.

4 OFFICER FERRETTI: Right.

5 SERGEANT BRACONI: And to the west.

6 OFFICER FERRETTI: Yes. Head to the west,
7 feet to the east.

8 SERGEANT BRACONI: Feet to the east.

9 OFFICER FERRETTI: Correct.

10 SERGEANT BRACONI: Okay. That's what I just
11 wanted to clarify. Thank you.

12 SERGEANT WARNKE: Anybody else? Mister
13 Shea?

14 ATTORNEY SHEA: No, thank you.

15 SERGEANT WARNKE: Okay. It's approximately
16 1328 hours, I'm going to conclude this interview.

17 **END OF DOCUMENT**

1 SERGEANT SCOTT WARNKE: This is Scott Warnke,
2 Sergeant, Star number 1397, San Francisco Police
3 Department. Today is Monday, October 3rd, 2011,
4 it's approximately 1335 hours. We are in an
5 interview room with the Homicide Detail at the Hall
6 of Justice at 850 Bryant Street. This is an
7 interview regarding Case number 110 796 498 and
8 present with me is...

9 SERGEANT BILL BRACONI: Sergeant Bill
10 Braconi, Star 2246, with the Homicide Detail.

11 INV. JIM POSADA: Investigator Jim Posada,
12 District Attorney's Office, 7044.

13 ADA MIKE SULLIVAN: Mike Sullivan, Assistant
14 District Attorney.

15 ATTY CHRISTOPHER SHEA: Christopher Shea,
16 Attorney with the Police Officers Association.

17 SERGEANT WARNKE: And you are?

18 OFFICER JOSEPH FILAMOR: Officer Joe Filamor,
19 Star 213.

20 SERGEANT WARNKE: Is it Joe or Joseph?

21 OFFICER FILAMOR: Joseph.

22 SERGEANT WARNKE: Okay. And just, so [we're
23 all clear], this is a voluntary statement. You're
24 here with a representative. Is that true?

1 OFFICER FILAMOR: Yes.

2 SERGEANT WARNKE: Okay. Do you remember
3 your entry date into the Department?

4 OFFICER FILAMOR: Uh, [REDACTED].

5 SERGEANT WARNKE: And your current
6 assignment?

7 OFFICER FILAMOR: Richmond Station.

8 SERGEANT WARNKE: And how long have you
9 been at Richmond Station?

10 OFFICER FILAMOR: Approximately, probably
11 upward of six years.

12 SERGEANT WARNKE: And the shift you worked
13 today?

14 OFFICER FILAMOR: Days.

15 SERGEANT WARNKE: Days?

16 OFFICER FILAMOR: Yes.

17 SERGEANT WARNKE: Do you know the hours on
18 that?

19 OFFICER FILAMOR: [REDACTED].

20 SERGEANT WARNKE: And were you in uniform?
21 You're wearing a uniform now.

22 OFFICER FILAMOR: Yes.

23 SERGEANT WARNKE: Is that what you were
24 wearing?

1 OFFICER FILAMOR: Yes.

2 SERGEANT WARNKE: Did you have a partner
3 today?

4 OFFICER FILAMOR: No.

5 SERGEANT WARNKE: And your call sign?

6 OFFICER FILAMOR: 3 George 4 Adam.

7 SERGEANT WARNKE: And in addition to your
8 uniform, what other equipment did you have on you
9 today; what were you wearing?

10 OFFICER FILAMOR: Uh, pretty much my, my
11 vest, my service weapon, uh, my baton, my OC, and
12 my radio.

13 SERGEANT WARNKE: Were you in a marked
14 unit?

15 OFFICER FILAMOR: Yes.

16 SERGEANT WARNKE: So, this morning about
17 7:15, there was an incident that occurred on the
18 600 block of Funston. Can you tell us what your
19 involvement was, what happened, please?

20 OFFICER FILAMOR: Well, when I received the
21 call over the broadcast by Dispatch on an A-
22 priority 219 stabbing, uh, I didn't know what we
23 had at the time, until I arrived on scene. I heard
24 on the radio the initial unit or units that arrived

1 before me that they had located a [REDACTED],
2 [REDACTED], outside with some stabbing wounds. And as
3 I arrived, uh, the, uh, plainclothes unit and one
4 officer was already on scene. And at that point, we
5 waited for the deployment of the ERIW before we
6 made entry into the premises.

7 SERGEANT WARNKE: Okay.

8 OFFICER FILAMOR: As far as my
9 recollection, there was two plainclothes guys,
10 myself, and one sergeant, and another officer.

11 SERGEANT WARNKE: Can you tell us what
12 happened?

13 OFFICER FILAMOR: We made our way to the
14 stairway. Uh, they were ahead of me. Initially, the
15 sergeant was ahead of me, but I went past him
16 because I wanted to catch up with the ERIW. At that
17 point, you know, I established that I was the
18 second officer or the lethal officer with the ERIW.
19 The plainclothes units was still ahead of me at
20 that point. Now remember, this is all happening
21 very quickly. As we made up the stairway, uh,
22 immediately, you had the hallway.

23 We were all kind of bunching up, making our
24 way up it, and by the time we reached, stopped, at

1 the top of the stairway, the plainclothes, Officer
2 Carrasco, located a, uh, [REDACTED] on the ground, and
3 we could see at that point that [REDACTED] was bleeding
4 out-uh, unknown exactly what part of [REDACTED] body, but
5 [REDACTED] was on the ground. Uh, our concern at that
6 point, we couldn't secure the area, and we wanted
7 to pull [REDACTED] into safety. Uh, so, he went ahead and,
8 and I can't remember exactly where he grabbed, uh,
9 the victim, but when he was dragging [REDACTED] out, out
10 of the hallway into the stairway, we had to make a
11 decision at that point, that we had to sort of back
12 out of the way, because we were in the way of the
13 stairway.

14 As far as I remember, when he was doing that,
15 just when he made the stairway and we were
16 simultaneously backing out, at that point, uh, we
17 were kind of bunched in, and the hallway was barely
18 two to three feet; we were like shoulder, arm to
19 arm. And when he finally made it into the, the top
20 of the stairway, it was at that point that someone
21 came out on the left side. Unknown at the time what
22 room it was, but [REDACTED] came out holding-I can't even
23 recall if it was two hands or one hand. I do, I
24 remember seeing knives and, and I remember at that

1 point, we were kind of, me and the ERIW, we're not
2 side-by-side. Officer Heppler, who was directly,
3 from the very beginning when we started retreating
4 back to make room for Officer Carrasco, he was on
5 my left side and I was on the right. I'm sorry, uh,
6 I was on the left side, he was on my right side,
7 and Officer Ison was hugging the wall also,
8 directly in front of Officer Heppler.

9 Somehow, when we were backing out, I, I
10 temporary lost position, uh, from Officer Ison. It
11 was at that point when the [REDACTED] subject with, with
12 two knives when [REDACTED] came out, directly out and
13 towards us and [REDACTED] starts walking. Uh, verbal
14 commands, uh, drop the knife, drop the knife, [REDACTED]
15 kept walking towards us. Uh, I heard the shot for
16 the ERIW, [REDACTED] kept walking towards us. At that
17 point, uh, you know, Officer Heppler discharged a
18 weapon. Now, in the very beginning, I saw [REDACTED] come
19 out, but during the movements, I lost position, and
20 Officer Heppler was now directly in my line of
21 fire, so I couldn't even discharge my weapon.

22 Uh, the subject goes down, uh, we made sure
23 that the knife was secured. I think the other
24 officers probably go on the air that shots were

1 fired. Now, I'm not sure, but I heard Officer Ison
2 yell at someone, "Come back here, come back here,"
3 running into the hallway; I did not see the person
4 run. But once we had secured the subject who went
5 down, we continued, uh, to go to the hallway,
6 towards the back of the flat, so we could secure
7 that area.

8 At that point, we determined there was, there
9 was two doors, and there was a door to the right of
10 us that was locked. We kept yelling open the door.
11 The person inside refused to open it. Uh, I believe
12 Officer Ison forced open by kicking it open, and we
13 located the [REDACTED] and we took [REDACTED], uh, we
14 detained [REDACTED] It was at that point that Officer
15 Ferretti came in and assisted us in detaining the
16 [REDACTED] Once [REDACTED] was detained, we continued to
17 clear, uh, I believe there's three rooms there;
18 there's another room all the way in the back, and
19 we located no one. That's pretty much it.

20 SERGEANT WARNKE: Okay. Thank you. We're
21 just going to go over, clarify a few things. Okay?
22 You responded from, do you remember where you
23 responded from?

24 OFFICER FILAMOR: Yeah. It was, uh, between

1 14th and 15th Avenue at Geary.

2 SERGEANT WARNKE: Did you respond with your
3 lights on or were you driving Code 3?

4 OFFICER FILAMOR: No. I was, I was pretty
5 close.

6 SERGEANT WARNKE: Okay. Do you remember the
7 route you took or the approach that you took?

8 OFFICER FILAMOR: I made a U-turn. I was
9 heading westbound on Geary and I made a U-turn, uh,
10 it was 15th Avenue. You know, from 15th Avenue, I
11 went eastbound and made a right on Funston, and
12 about two, two blocks away I was there.

13 SERGEANT WARNKE: Do you recall what you
14 saw when you arrived on the scene? What did you see
15 as far as vehicles or personnel or anybody out
16 front?

17 OFFICER FILAMOR: I saw, uh, it was a unit
18 already in front of the house and I can't recall
19 who it was.

20 SERGEANT WARNKE: Is the unit that you're
21 referring to an officer or a vehicle?

22 OFFICER FILAMOR: An officer and a vehicle.

23 SERGEANT WARNKE: Okay. So, in front of the
24 house, was that an officer in front of the house?

1 OFFICER FILAMOR: Yes.

2 SERGEANT WARNKE: You don't recall who it
3 was? Uniformed or...?

4 OFFICER FILAMOR: Yeah.

5 SERGEANT WARNKE: Okay. Go on, I'm sorry.

6 OFFICER FILAMOR: Uh, I also remember
7 seeing that two plainclothes, uh, running to the
8 address, almost simultaneous to when I arrived.

9 SERGEANT WARNKE: Any other officers?

10 OFFICER FILAMOR: That's, that's all I
11 remember, and then it was me.

12 SERGEANT WARNKE: Did you see any
13 civilians?

14 OFFICER FILAMOR: I can't remember.

15 SERGEANT WARNKE: The two plainclothes
16 officers, do you remember who they were?

17 OFFICER FILAMOR: Yes. [That would be]
18 Officer Carrasco and, uh, Officer Heppler.

19 SERGEANT WARNKE: Carrasco and Heppler,
20 okay. Do you remember what Officer Carrasco was
21 wearing?

22 OFFICER FILAMOR: I can't remember.

23 SERGEANT WARNKE: Do you recall seeing his,
24 his Star?

1 OFFICER FILAMOR: I can't remember.
2 SERGEANT WARNKE: What about Officer
3 Heppler? Do you recall what he was wearing?
4 OFFICER FILAMOR: No.
5 SERGEANT WARNKE: His Star? You just can't
6 recall?
7 OFFICER FILAMOR: I can't remember if they
8 were, if I saw it.
9 SERGEANT WARNKE: Okay. So, now you're at
10 the front door. You're waiting for, I think you
11 said you're waiting for ERIW.
12 OFFICER FILAMOR: Right.
13 SERGEANT WARNKE: Do you remember who
14 brought ERIW?
15 OFFICER FILAMOR: It was Officer Ison.
16 SERGEANT WARNKE: Officer Ison. What was
17 said at the front door? Was there a plan formulated
18 or was it just sort of a rush in? Did you hear
19 anything coming from inside of the residence?
20 OFFICER FILAMOR: No, uh, but I did hear an
21 officer, uh, say over the air that, uh, the victim,
22 who was outside, said that ■ was still inside—
23 meaning the suspect.
24 SERGEANT WARNKE: So, what was your

1 reasoning for entering the residence?

2 OFFICER FILAMOR: Uh, for the safety of
3 [whoever], the occupants inside.

4 SERGEANT WARNKE: Did you have information
5 that there were more occupants inside of the house?

6 OFFICER FILAMOR: I didn't hear any. All I
7 heard was that the suspect was still in, in the
8 house.

9 SERGEANT WARNKE: So, you went in for what
10 reason?

11 OFFICER FILAMOR: Well, assuming that there
12 would be, uh, other occupants, but I didn't know
13 that.

14 SERGEANT WARNKE: Okay.

15 OFFICER FILAMOR: The only way to find out
16 was to go in and clear the, clear the whole flat.

17 SERGEANT WARNKE: Anybody else besides the
18 possible residents inside that you were going in
19 for?

20 OFFICER FILAMOR: I'm not sure. I'm not
21 sure what you're asking.

22 SERGEANT WARNKE: Okay. So, your reason to
23 go in, I'm just asking what your reason for going
24 inside was. You said for safety of the occupants.

1 Why were you in fear of safety of the occupants?

2 OFFICER FILAMOR: Well, based on the injury

3 of the person in the front, and also the, uh, the

4 scene on, you know, on the landing; there's blood,

5 bloodstains everywhere.

6 SERGEANT WARNKE: So, you saw blood?

7 OFFICER FILAMOR: Yes.

8 SERGEANT WARNKE: Okay. Did you see the

9 person that, anybody that was injured outside?

10 OFFICER FILAMOR: I saw [REDACTED] briefly.

11 SERGEANT WARNKE: Before you went in?

12 OFFICER FILAMOR: Yes.

13 SERGEANT WARNKE: Okay. What, what did you

14 recall about [REDACTED]

15 [REDACTED] OFFICER FILAMOR: It's just, uh, an [REDACTED]

16 [REDACTED] I couldn't really see the nature of, of the

17 injury.

18 SERGEANT WARNKE: Was [REDACTED] bleeding?

19 OFFICER FILAMOR: I'm not sure. I didn't

20 really see it.

21 SERGEANT WARNKE: Okay. So, you didn't, you

22 weren't sure if [REDACTED] was bleeding, but you did see

23 blood. Where at, where did you see the blood in the

24 residence?

1 OFFICER FILAMOR: Directly...well, actually,
2 there's bloodstains on the sidewalk.

3 SERGEANT WARNKE: Okay.

4 OFFICER FILAMOR: I saw that. I believe the
5 sidewalk even had a trail, because where I was
6 coming from, I believe there was a blood trail from
7 maybe two or three houses, if you're looking at the
8 house, it was to the left, there was a blood trail.

9 SERGEANT WARNKE: Okay. All right. So, you
10 arrived there, the other officers are there. You've
11 been told somebody's been...that there's a suspect, a
12 possible suspect in there. You do see blood.
13 Fearing for other occupants, you went into the
14 residence.

15 OFFICER FILAMOR: Yeah.

16 SERGEANT WARNKE: With ERIW, but no plan
17 was formulated. Was this like, I know this
18 interview is taking long. You're there, how quickly
19 is this moving?

20 OFFICER FILAMOR: It is happening very
21 quickly. Everything is...

22 SERGEANT WARNKE: Okay.

23 OFFICER FILAMOR: You know, there was no
24 time for, uh, you know, we got to do this, do this.

1 We got to go in, and we got to go now.

2 SERGEANT WARNKE: You got to go in, you got
3 to go now, but you did, you did have, you were
4 conscious of ERIW's out and I am the lethal cover
5 officer?

6 OFFICER FILAMOR: Right.

7 SERGEANT WARNKE: Is that policy?

8 OFFICER FILAMOR: Uh, it's also a protocol.
9 I mean somebody's got to be the lethal.

10 SERGEANT WARNKE: Okay. All right. So, it
11 sounds like that is somewhat of an organization,
12 somewhat organized going in there.

13 OFFICER FILAMOR: Yes. And, and most of the
14 time, it doesn't even have to be said. I mean, you
15 know, you're the-two uniform officers.

16 SERGEANT WARNKE: Okay.

17 OFFICER FILAMOR: You go in and you go in
18 together.

19 SERGEANT WARNKE: All right, that makes
20 sense. So, then you go in and Officer Carrasco is
21 pulling the [REDACTED] back.

22 OFFICER FILAMOR: Yeah.

23 SERGEANT WARNKE: And then from somewhere,
24 you see a [REDACTED] appear in the hallway with two

1 knives, and you're not sure if [REDACTED] had one in each
2 hand, but you're sure [REDACTED] had two knives.

3 OFFICER FILAMOR: Yeah.

4 SERGEANT WARNKE: And the ERIW...at what
5 point, a command was given?

6 OFFICER FILAMOR: Yes.

7 SERGEANT WARNKE: Did you give any
8 commands?

9 OFFICER FILAMOR: We all were giving
10 commands. I mean, like I said...

11 SERGEANT WARNKE: What did you say?

12 OFFICER FILAMOR: Drop the knife. Drop the
13 knife.

14 SERGEANT WARNKE: Do you remember how many
15 times you said it?

16 OFFICER FILAMOR: I can't recall how many
17 times.

18 SERGEANT WARNKE: Was it more than one?

19 OFFICER FILAMOR: Uh, yes.

20 SERGEANT WARNKE: And did you hear other,
21 you said everybody was giving commands. Did you
22 hear what the other commands were?

23 OFFICER FILAMOR: It was pretty much the
24 same, drop the knife, drop the knife.

1 SERGEANT WARNKE: Pretty much the same.
2 Could you say I heard Officer Carrasco say this or
3 I heard Officer Heppler say that or I heard Officer
4 Ison say that?
5 OFFICER FILAMOR: I can say for sure that
6 Officer Ison said drop the knife.
7 SERGEANT WARNKE: Okay. And where was
8 Officer Ison in relation to you?
9 OFFICER FILAMOR: He was
10 directly...initially, we were almost side-by-side,
11 but as I mentioned before, as Officer Carrasco was
12 retreating with the body, we were all making,
13 getting out of his way on the stairway. Remember,
14 we're on top of the stairway.
15 SERGEANT WARNKE: Uh-huh.
16 OFFICER FILAMOR: Now, we're retreating
17 back to make room, and that's when we sort of
18 simultaneously lost position. At that point, when
19 Officer Carrasco made it to the stairway, Officer
20 Ison was now on my right, directly, just in front
21 of me, and Heppler was now side-by-side. And again,
22 we're talking right next to each other, uh, it was
23 very [tight] in the hallway.
24 SERGEANT WARNKE: Did the person with the

1 knife say anything?

2 OFFICER FILAMOR: No.

3 SERGEANT WARNKE: And what did the person
4 with the knives do?

5 OFFICER FILAMOR: The only thing I can
6 remember, uh, I do remember [REDACTED] coming from the
7 left side of that hallway.

8 SERGEANT WARNKE: Okay.

9 OFFICER FILAMOR: Which we determined later
10 on to be, uh, a small...

11 SERGEANT WARNKE: Okay. What did [REDACTED] do?

12 OFFICER FILAMOR: [REDACTED] came out [REDACTED] kind of
13 went straight in the hallway, and then [REDACTED] made a
14 turn towards us.

15 SERGEANT WARNKE: Okay. Was [REDACTED] walking
16 towards you or running, if you recall?

17 OFFICER FILAMOR: I recall [REDACTED] walking, but
18 I do recall the look on [REDACTED] face.

19 SERGEANT WARNKE: What was the look on [REDACTED]
20 face?

21 OFFICER FILAMOR: It's, it, the only way I
22 can describe it is [REDACTED] had that crazed look-[all]
23 and kind of like looking blank.

24 SERGEANT WARNKE: A blank, a blank look?

1 OFFICER FILAMOR: Yeah.
2 SERGEANT WARNKE: But [REDACTED] wasn't saying
3 anything?
4 OFFICER FILAMOR: No. Not, I can't recall
5 [REDACTED] saying anything.
6 SERGEANT WARNKE: Okay. And you heard ERIW
7 deployed?
8 OFFICER FILAMOR: Yes.
9 SERGEANT WARNKE: How close was the [REDACTED]
10 with the knives to the officer with the ERIW?
11 OFFICER FILAMOR: To the subject with the
12 knife?
13 SERGEANT WARNKE: Yes.
14 OFFICER FILAMOR: I would say either
15 approximately ten feet.
16 SERGEANT WARNKE: Ten feet.
17 OFFICER FILAMOR: That's just my
18 approximation of that.
19 SERGEANT WARNKE: Did you see the person
20 with the knives get hit with the ERIW?
21 OFFICER FILAMOR: I didn't see it; I heard
22 the ERIW go off.
23 SERGEANT WARNKE: What happened after the
24 ERIW went off?

1 OFFICER FILAMOR: Commands, uh, verbal
2 commands continued from myself and, I believe, I'm
3 hearing many commands, so I can't really say for
4 sure where it was coming from. But, uh, it as at
5 that point that [REDACTED] continued to, or the subject
6 continued to advance towards us. And as I
7 mentioned, and that's when Officer Heppler, uh,
8 discharged his weapon.

9 SERGEANT WARNKE: Did you see Officer
10 Heppler discharge his weapon?

11 OFFICER FILAMOR: I heard the shot.

12 SERGEANT WARNKE: How many shots?

13 OFFICER FILAMOR: I don't know.

14 SERGEANT WARNKE: At least one?

15 OFFICER FILAMOR: I can't say for sure.

16 SERGEANT WARNKE: But you heard at least
17 one. Right?

18 OFFICER FILAMOR: I heard at least one,
19 yeah.

20 SERGEANT WARNKE: Okay. How did you know
21 that it was Officer Heppler?

22 OFFICER FILAMOR: Because he was directly
23 next to me, uh, and he was the only one with, uh,
24 another firearm, as far as I can recall, and

1 Officer Ison with the ERIW.

2 SERGEANT WARNKE: Did you hear Officer

3 Heppler give any commands?

4 OFFICER FILAMOR: I can't say for sure that

5 it was coming from him.

6 SERGEANT WARNKE: Can you say for sure that

7 it wasn't?

8 OFFICER FILAMOR: No.

9 SERGEANT WARNKE: So, it could have been.

10 OFFICER FILAMOR: What, what, here's what's

11 happening [inaudible]. We're all giving verbal

12 commands and sometimes, you know, we were drowning

13 out each other from the loud verbal commands, so I

14 can't say it was, for sure, 100 percent certainty.

15 SERGEANT WARNKE: Okay. Did the person with

16 the knives ever say anything after?

17 OFFICER FILAMOR: No.

18 SERGEANT WARNKE: What happened to the

19 person who officer, who shot at, what happened to

20 them?

21 OFFICER FILAMOR: The subject?

22 SERGEANT WARNKE: Yes.

23 OFFICER FILAMOR: The one I remember is

24 when [REDACTED] continued to advance towards us, uh, shots,

1 shots were fired and [REDACTED] went down directly in front
2 of us.

3 SERGEANT WARNKE: What happened after that?

4 OFFICER FILAMOR: Uh, we...I kept telling the
5 other officer, uh, to maintain the hallway, because
6 we don't know how many suspects we have at this
7 point. You know, I have to assume there was another
8 one. Uh, we secured the knife and made sure, made
9 sure that it was out of [REDACTED] hands, and that's when
10 I, me and Officer Ison together, continued down the
11 hallway.

12 SERGEANT WARNKE: Where were the knives
13 when you said you secured them? At that point,
14 where were they?

15 OFFICER FILAMOR: They were on the ground,
16 with, uh, the suspect's hands.

17 SERGEANT WARNKE: In one of [REDACTED] hands or?

18 OFFICER FILAMOR: You know, I can't recall,
19 Sergeant. I know I end up kicking one with my left
20 foot, uh, you know, securing it, so it's not near
21 the...

22 SERGEANT WARNKE: I'm going to show you a
23 photo of the front entrance.

24 OFFICER FILAMOR: Yes, sir.

1 SERGEANT WARNKE: That you described
2 earlier. You described blood on the ground, is
3 that...?
4 OFFICER FILAMOR: That, that's it.
5 UNKNOWN: Okay. Which, Officer Heppler on
6 your right or your left?
7 OFFICER FILAMOR: As we made it up the
8 stairway, he was on my right.
9 SERGEANT WARNKE: Okay. I'm going to show
10 you this photo. This is a photo of the hallway
11 looking, this is facing, you're standing east,
12 facing west down the hallway.
13 OFFICER FILAMOR: Yes.
14 SERGEANT WARNKE: Okay. Can you point out
15 where you were in that photo?
16 OFFICER FILAMOR: Initially, when we first
17 came up the top of the stairway, I don't know, can
18 you guys see?
19 SERGEANT WARNKE: Yeah, I can.
20 OFFICER FILAMOR: This is the top of the
21 stairway.
22 SERGEANT WARNKE: Okay.
23 OFFICER FILAMOR: Officer Carrasco was
24 ahead of me, and me and ERIW were kind of like

1 directly, just behind him, and Officer Heppler was
2 initially, uh, somewhere on my right side. Officer
3 Carrasco located the body, he went straight and he
4 told us that he was going to go grab [REDACTED] got
5 stab wounds, [REDACTED] bleeding, we got to get [REDACTED] out
6 of here. Right? So, as he pulled the body—I can't
7 recall how he grabbed [REDACTED] Now remember, this is a
8 very tight area.

9 As he grabbed [REDACTED] we retreated back almost—
10 there's another room right here, almost to the
11 point where this wooden railing. We retreated back
12 that way to make room. Now, at that point, as I
13 mentioned, that's when we sort of lost position
14 with me and the ERIW. Now, uh, Heppler was
15 directly, almost to my right side, but just
16 slightly forward of me.

17 SERGEANT WARNKE: Okay.

18 OFFICER FILAMOR: And it was at that point
19 that the suspect comes out on the left side. I
20 don't know if you have another photo, but [REDACTED] comes
21 out of the left side first. If the room is here, [REDACTED]
22 would come out straight and then made a right turn.

23 SERGEANT WARNKE: Okay.

24 ATTORNEY SHEA: I'm, I'm sorry. When you

1 say right turn, you mean [REDACTED] came out and was facing
2 west? This being, west being...?

3 OFFICER FILAMOR: Yeah. I mean if [REDACTED] was
4 standing right here in one of the rooms, my
5 recollection is [REDACTED] came out first this way, and
6 then [made] boom, towards us.

7 ATTORNEY SHEA: Towards you, which would
8 be, if [REDACTED] was, [REDACTED] started moving in a westerly
9 direction?

10 OFFICER FILAMOR: Yes, right towards us.

11 ATTORNEY SHEA: Okay.

12 SERGEANT WARNKE: I want you to mark, right
13 on this, [and then] I showed you this photo.

14 OFFICER FILAMOR: Okay.

15 SERGEANT WARNKE: Did you fire your weapon?

16 OFFICER FILAMOR: I did not.

17 SERGEANT WARNKE: You didn't? And the
18 reason you didn't fire was?

19 OFFICER FILAMOR: When we were making the
20 movements, we were losing our, our position.

21 SERGEANT WARNKE: Uh-huh.

22 OFFICER FILAMOR: When the subject came
23 out, uh, we were moving to the point where Officer
24 Heppler was in my line of fire.

1 SERGEANT WARNKE: Okay. How did you feel
2 when this [REDACTED] coming towards you with these
3 knives?

4 OFFICER FILAMOR: I, I felt that my life
5 and the officers on scene were in great danger,
6 especially for, uh, the short distance of where [REDACTED]
7 came out from.

8 SERGEANT WARNKE: And when Officer Heppler
9 fired his weapon, how close do you think the
10 suspect was to you?

11 OFFICER FILAMOR: Probably less than ten
12 feet, and this happened very quickly.

13 SERGEANT WARNKE: Have you ever been to
14 that residence before?

15 OFFICER FILAMOR: Never.

16 SERGEANT WARNKE: You ever seen any of the
17 people involved before?

18 OFFICER FILAMOR: No.

19 SERGEANT WARNKE: Did you interview anybody
20 afterwards?

21 OFFICER FILAMOR: No.

22 SERGEANT WARNKE: Now, you mentioned
23 Officer Carrasco said something like [REDACTED]
24 bleeding, we've got to get [REDACTED] out of here. How

1 long was it between the time Officer Carrasco
2 said...you, you go up there and he said [REDACTED]
3 bleeding, to pulling [REDACTED] back to the actual first
4 less, the ERIW shot being fired, if you remember?
5 OFFICER FILAMOR: It was very quickly, you
6 know. It could be five seconds, it could be ten
7 seconds, it was that quick.
8 SERGEANT WARNKE: So, it was very quickly?
9 OFFICER FILAMOR: Yes.
10 SERGEANT WARNKE: And how long between the
11 ERIW and the shot that you described Officer...
12 OFFICER FILAMOR: Two seconds.
13 SERGEANT WARNKE: Uh, Sergeant,
14 [inaudible]?
15 SERGEANT BRACONI: Uh, a couple of
16 questions.
17 OFFICER FILAMOR: Yes.
18 SERGEANT BRACONI: Earlier you mentioned you
19 waited, you used the term waited, but it doesn't
20 sound like there was a whole lot of time for
21 waiting. So, can you just clarify how much time
22 actually elapsed between the time you arrived and
23 you made entry into the house?
24 OFFICER FILAMOR: When I say waited, I mean

1 until he was ready with the ERIW. That, that...

2 SERGEANT BRACONI: Are we talking seconds or
3 are we talking minutes?

4 OFFICER FILAMOR: Uh, seconds.

5 SERGEANT BRACONI: Right. Okay. That's what
6 I wanted to clarify, but it sounded to me, but I
7 just wanted to make sure.

8 OFFICER FILAMOR: [The matter] was I didn't
9 want to go in without him.

10 SERGEANT BRACONI: Right. Okay. And then,
11 when you say they, you entered, the four of you
12 entered. It was just the four of you—Ison,
13 yourself, Carrasco, and Heppler?

14 OFFICER FILAMOR: No. It was Sergeant Gray.

15 SERGEANT BRACONI: Where was Sergeant Gray
16 at that point?

17 OFFICER FILAMOR: Initially, he was in
18 front of me, uh, at the bottom.

19 SERGEANT BRACONI: Okay. Could you describe
20 for me, let me rephrase the question then. Can you
21 describe the [REDACTED] order as you entered the
22 house?

23 OFFICER FILAMOR: As far as my
24 recollection, uh, initially, uh, this picture.

1 SERGEANT BRACONI: Yeah?

2 OFFICER FILAMOR: I was at the rear and

3 Ison, we're together.

4 SERGEANT BRACONI: You and Ison were? So, so

5 start from the entry, threshold into the unit, and

6 work your way backwards. So, who was, who was first

7 in the threshold?

8 OFFICER FILAMOR: My recollection was the

9 35 units were already there and they were already

10 making entry, so I followed quickly. Ison was, was

11 just in front of me, but Sergeant Gray was also in

12 front of me, so I had to make way and I went ahead

13 of him. This is way, you know, when, when we

14 entered.

15 SERGEANT BRACONI: Okay.

16 OFFICER FILAMOR: So, by the time we

17 entered the stairway, which is immediately when you

18 enter the doorway, uh, we were going up there. I

19 believe it was me, it's Carrasco, Heppler, me, and

20 Ison.

21 SERGEANT BRACONI: Okay.

22 OFFICER FILAMOR: Then coming, coming

23 really, very quickly.

24 SERGEANT BRACONI: Right up the stairs?

1 OFFICER FILAMOR: Yes.

2 SERGEANT BRACONI: Okay. And then, and then

3 trailing was Gray?

4 OFFICER FILAMOR: Yes.

5 SERGEANT BRACONI: Okay.

6 OFFICER FILAMOR: Now, I, I'm assuming he

7 was trailing, but I did not see him.

8 SERGEANT BRACONI: You didn't look back?

9 OFFICER FILAMOR: Well, we were too busy.

10 SERGEANT BRACONI: I... Okay. Uh, you

11 established yourself as the cover.

12 OFFICER FILAMOR: Yes.

13 SERGEANT BRACONI: Uh, Ison was just ahead

14 of you with the ERIW.

15 OFFICER FILAMOR: Yes.

16 SERGEANT BRACONI: Okay. Did you have your

17 gun drawn at that time?

18 OFFICER FILAMOR: Yes.

19 SERGEANT BRACONI: Okay. Did you notice if,

20 uh, Carrasco or Heppler had their gun drawn at that

21 time?

22 OFFICER FILAMOR: I did not see them.

23 SERGEANT BRACONI: Uh, okay. Now, if you

24 recall, and all this is if you recall by the way.

1 OFFICER FILAMOR: Yes.

2 SERGEANT BRACONI: So, if you don't recall,

3 just tell me you don't recall, but was the [REDACTED],

4 do you remember how the [REDACTED] was positioned? Was

5 [REDACTED] with, with [REDACTED] face upward? Was [REDACTED] chest up?

6 Was [REDACTED] chest down? Was [REDACTED] head facing east or

7 west? Do you remember any of the positioning of the

8 [REDACTED]

9 OFFICER FILAMOR: I can't recall if it was

10 face down or face up. I do, however, recall that

11 [REDACTED] feet was towards us.

12 SERGEANT BRACONI: Towards you, meaning to

13 the west?

14 OFFICER FILAMOR: Uh...

15 ATTORNEY SHEA: Can you show that

16 photograph again?

17 SERGEANT WARNKE: Yeah, sure.

18 OFFICER FILAMOR: Meaning at the hallway,

19 directly...

20 SERGEANT WARNKE: This is the same photo

21 that I showed you earlier. It's the hallway with

22 evidence markers on it.

23 OFFICER FILAMOR: Well, it's not, the

24 hallway's not going to show it, but the hallway is

1 here.

2 SERGEANT WARNKE: [The vic], if it were
3 extended.

4 SERGEANT BRACONI: Yeah.

5 OFFICER FILAMOR: Right, and [REDACTED] feet is,
6 my recollection, is pointed towards us.

7 SERGEANT BRACONI: All right. Okay. And did
8 you observe any injuries on that [REDACTED]

9 OFFICER FILAMOR: I didn't know exactly
10 where it was coming from, I could see the blood on,
11 on the ground, directly in the area.

12 SERGEANT BRACONI: In the area of the
13 [REDACTED] body?

14 OFFICER FILAMOR: Yes.

15 SERGEANT BRACONI: Okay. Uh, okay. And then
16 when you say we went to the back, you were
17 referring, I think you clarified it as, I just want
18 to make sure, you and Ison?

19 OFFICER FILAMOR: Yes.

20 SERGEANT BRACONI: Went to the back to clear
21 the rest of the house.

22 OFFICER FILAMOR: Yes.

23 SERGEANT BRACONI: Had you seen the other
24 [REDACTED] at that point?

1 OFFICER FILAMOR: I did not see [REDACTED] until
2 we kicked, uh, Officer Ison kicked the door, and
3 that was when [REDACTED] was standing pretty much close to
4 the door, and we dragged [REDACTED] out to the ground.
5 SERGEANT BRACONI: Okay. Do you remember [REDACTED]
6 saying anything at that time? Any spontaneous
7 statements or anything at all?
8 OFFICER FILAMOR: No.
9 SERGEANT BRACONI: Okay. Going back to the
10 suspect. When [REDACTED] came out, did you notice any blood
11 on that suspect?
12 OFFICER FILAMOR: I couldn't tell, Sarge.
13 SERGEANT BRACONI: Okay. But you did see a
14 knife for sure?
15 OFFICER FILAMOR: Yes.
16 SERGEANT BRACONI: Were you surprised when
17 you saw the suspect? Did [REDACTED] surprise you when [REDACTED]
18 popped out?
19 OFFICER FILAMOR: It surprised me to the
20 point where, because of the close proximity.
21 SERGEANT BRACONI: Yeah.
22 OFFICER FILAMOR: Uh, that [REDACTED] can cover a
23 very short distance with those two knives.
24 SERGEANT BRACONI: So, you were surprised?

1 OFFICER FILAMOR: Yes.

2 SERGEANT BRACONI: You weren't expecting [REDACTED]
3 to come out at you?

4 OFFICER FILAMOR: I wouldn't say I wasn't
5 expecting it, I was expecting anything.

6 SERGEANT BRACONI: You were on the alert.

7 OFFICER FILAMOR: Yes.

8 SERGEANT BRACONI: For the situation.

9 OFFICER FILAMOR: Yes.

10 SERGEANT BRACONI: But that individual, you
11 had no idea [REDACTED] was, [REDACTED] was hiding in the bathroom?

12 OFFICER FILAMOR: I wouldn't say I had no
13 idea, I, I'd say that I was alert and I was
14 expecting it. But for [REDACTED] to come out just like
15 that obviously, the alarm bells start going off.

16 SERGEANT BRACONI: Okay. Just to clarify
17 though, you had no prior knowledge that there was
18 somebody in the bathroom?

19 OFFICER FILAMOR: Absolutely not.

20 SERGEANT BRACONI: Okay. That's what I was
21 getting at.

22 OFFICER FILAMOR: No.

23 SERGEANT BRACONI: Okay. That's all I have,
24 thanks.

1 SERGEANT WARNKE: I just want to show you a
2 photo. This is, uh, a photo and there's evidence
3 marker number six of the knives.
4 OFFICER FILAMOR: Yes.
5 SERGEANT WARNKE: Do you recognize those?
6 OFFICER FILAMOR: Yes.
7 SERGEANT WARNKE: What are those from?
8 OFFICER FILAMOR: Those were from the
9 suspect.
10 SERGEANT WARNKE: Okay. Now, did they... you
11 mentioned you stepped on one?
12 OFFICER FILAMOR: Well, I didn't step on
13 it. I believe, just to secure it out of [REDACTED] hands.
14 SERGEANT WARNKE: Okay. So, did you place
15 these knives in this position?
16 OFFICER FILAMOR: I can't recall that that
17 was exactly how [it would] end up.
18 SERGEANT WARNKE: Okay.
19 OFFICER FILAMOR: End up, I know I took one
20 out from [REDACTED] hands, and I don't know if that's,
21 that's exactly where it ended up being.
22 SERGEANT WARNKE: Okay. Do those look like
23 the knives that [REDACTED], the person had in [REDACTED] hand?
24 OFFICER FILAMOR: Yes.

1 SERGEANT WARNKE: Okay.

2 OFFICER FILAMOR: Yes.

3 SERGEANT WARNKE: All right. We're going to
4 just take a short break. Uh, Sergeant Braconi and I
5 are going to confer real quick, and we'll be right
6 back.

7 OFFICER FILAMOR: All right.

8 [Both Sergeants briefly leave room. Recorder
9 is left running.]

10 SERGEANT WARNKE: Any further questions
11 Investigators?

12 DAI POSADA: I just have, just have a
13 couple. Uh, Officer Filamor, when you're at the top
14 of the hallway and, uh, Officer Ison has the ERIW
15 deployed, when a, when a person deploys an ERIW or
16 they're assigned to it, they're essentially
17 vulnerable. Their hands are tied up, is that
18 correct?

19 OFFICER FILAMOR: Yes.

20 DAI POSADA: Okay. Hence, the cover
21 officer?

22 OFFICER FILAMOR: Yes.

23 DAI POSADA: Uh, Officer Ison, was he in
24 full police uniform?

1 OFFICER FILAMOR: Yes.

2 DAI POSADA: And you were in full police
3 uniform?

4 OFFICER FILAMOR: Yes.

5 SERGEANT WARNKE: Uh, and as this [REDACTED]
6 appeared in the hallway, uh, it was Officer Ison at
7 the front of the, of [REDACTED], so to speak,
8 followed with you two at his right?

9 OFFICER FILAMOR: That is exactly what
10 happened because of the movements we were making,
11 and that's, uh, that's what I was attributing it
12 to, that we were temporarily out of position
13 because of Officer Carrasco moving the body and
14 because there was nowhere for Officer Ison to go as
15 we were retreating back. So, it kind of left him
16 sort of temporarily in the front, and that's when
17 everything started happening very quickly.

18 DAI POSADA: Okay. And you're to his right
19 and Officer, uh, Eckler...

20 OFFICER FILAMOR: Heppler.

21 DAI POSADA: Heppler is to your right,
22 slightly in front of you?

23 OFFICER FILAMOR: Yes.

24 DAI POSADA: Okay. So, when this [REDACTED]

1 emerged, [REDACTED] had two knives in [REDACTED] hands you said?

2 OFFICER FILAMOR: Yes. I can't recall if [REDACTED]

3 was holding it in two hands or one hand.

4 DAI POSADA: Okay. And you heard the, uh,

5 ERIW deploy?

6 OFFICER FILAMOR: Well, I heard the verbal

7 commands, including me giving commands.

8 DAI POSADA: Okay.

9 OFFICER FILAMOR: And that's when he, he,

10 uh, fired the ERIW.

11 DAI POSADA: Okay. And when the ERIW was

12 deployed, what did the [REDACTED]

13 OFFICER FILAMOR: It was not effective and

14 [REDACTED] kept, [REDACTED] kept advancing towards us; [REDACTED] kept

15 coming.

16 DAI POSADA: Okay. I have no other

17 questions.

18 ADA SULLIVAN: Yeah. So, you were just a

19 touch behind Officer Heppler. Is that correct?

20 OFFICER FILAMOR: Yes.

21 ADA SULLIVAN: And at that time, did you have

22 your firearm out?

23 OFFICER FILAMOR: Yes.

24 ADA SULLIVAN: Uh, and how far behind Officer

1 Heppler were you?

2 OFFICER FILAMOR: I, I'm talking he's
3 directly right next to me.

4 ADA SULLIVAN: So, uh, if the subject was
5 approximately ten feet from you, [REDACTED] be, let's
6 say, eight or nine feet from Officer Heppler. Would
7 that be correct?

8 OFFICER FILAMOR: Yeah, that'd be safe to
9 say.

10 ADA SULLIVAN: Okay. And at that time, did
11 you fear for your own safety?

12 OFFICER FILAMOR: Yes.

13 ADA SULLIVAN: Had you been in front of
14 Officer Heppler, and Officer Heppler had been
15 behind you, would you have fired your weapon?

16 OFFICER FILAMOR: Yes.

17 ADA SULLIVAN: I have no further questions.

18 SERGEANT WARNKE: All right.

19 ATTORNEY SHEA: Uh, can I see that, the
20 picture of the hallway again?

21 SERGEANT WARNKE: Sure.

22 ATTORNEY SHEA: Thanks. So, Officer, uh,
23 before...I'm going to ask you a question about that
24 in a second. As you...what are the officers, how are

1 the officers announcing their presence as they're
2 going up the stairs?

3 OFFICER FILAMOR: Police, Police, San
4 Francisco Police.

5 ATTORNEY SHEA: And all of the officers
6 are saying that as you're entering the residence?

7 OFFICER FILAMOR: As far as my
8 recollection, including myself.

9 ATTORNEY SHEA: Okay. So, and Officers,
10 uh, Carrasco and Heppler are carrying their
11 sidearms?

12 OFFICER FILAMOR: Yes.

13 ATTORNEY SHEA: And you're carrying your
14 sidearm. Right?

15 OFFICER FILAMOR: Yes.

16 ATTORNEY SHEA: Okay. And then, uh,
17 who...and when you get to the top of the stairs, who,
18 did somebody clear these areas that are at the
19 western end of the home?

20 OFFICER FILAMOR: You know, I can't even
21 recall if we did that, because we immediately
22 located the body. And me, being pretty much on the,
23 on the rear, you know, I kept my eye, you know,
24 doing this, but I had my weapon, pretty much, going

1 down the hallway, based on where the body was.

2 ATTORNEY SHEA: Which way did you turn
3 first?

4 OFFICER FILAMOR: As I made my stairway?

5 ATTORNEY SHEA: Yes.

6 OFFICER FILAMOR: Well, as I'm going up the
7 stairway, my weapon was already trained going up
8 this way, since the other officers had this
9 covered.

10 ATTORNEY SHEA: Okay. So, and, and which
11 way was the, which way was...excuse me one second.

12 OFFICER FILAMOR: That's...

13 ATTORNEY SHEA: Let's deal with that.

14 [Unintelligible conversation.]

15 ATTORNEY SHEA: Uh, so, did, did the ERIW
16 and you're the cover for the ERIW. Correct?

17 OFFICER FILAMOR: Yes.

18 ATTORNEY SHEA: Okay. Did you, did the
19 two of you reach the top of the stairs and clear
20 the western end of the building?

21 OFFICER FILAMOR: Well, I don't recall
22 doing that.

23 ATTORNEY SHEA: Okay.

24 OFFICER FILAMOR: I don't recall doing

1 that. Again...

2 ATTORNEY SHEA: Because you don't know
3 who's in the house.

4 OFFICER FILAMOR: We don't know, and again,
5 everything's happening very quickly.

6 ATTORNEY SHEA: Okay. And the reason I'm
7 asking that question, because it seems as though
8 Heppler ends up facing the [REDACTED] with the knife.

9 OFFICER FILAMOR: Yes.

10 ATTORNEY SHEA: And the ERIW is not on
11 point.

12 OFFICER FILAMOR: No.

13 ATTORNEY SHEA: So, it ended up behind
14 Heppler at some point. Is that, I'm just trying to
15 clarify where it was in relation to the suspect.

16 OFFICER FILAMOR: You know, I can't really
17 recall when the shots were fired, exactly where
18 Ison was.

19 ATTORNEY SHEA: Okay.

20 OFFICER FILAMOR: But...

21 ATTORNEY SHEA: Because as you reach the
22 top of the stairs, there are two directions you can
23 go. You can go to the front of the house or the
24 back of the house.

1 OFFICER FILAMOR: Right, right.

2 ATTORNEY SHEA: Okay. I'm just trying to

3 figure out who went where and if you don't know,

4 that's cool. I'm just trying to figure it out.

5 OFFICER FILAMOR: But you can see from this

6 photo, and you have to be on scene to figure out

7 that this is very close quarters.

8 ATTORNEY SHEA: Yes.

9 OFFICER FILAMOR: If you have to put two

10 bodies in just the width of the hallway, we're

11 talking there's a traffic jam in there, especially

12 with the ERIW. You know, it's kind of awkward, it's

13 kind of long.

14 ATTORNEY SHEA: Right. It's basically,

15 uh, an 870 shotgun. Right?

16 OFFICER FILAMOR: Pretty much.

17 ATTORNEY SHEA: It's a, it's a long gun.

18 OFFICER FILAMOR: Yeah.

19 ATTORNEY SHEA: Okay. I understand. All

20 right. I...maybe you...

21 DAI POSADA: I'll follow-up with one more

22 question.

23 ATTORNEY SHEA: Yeah, go ahead.

24 DAI POSADA: Uh, at the time that Officer

1 Heppler fired at the subject, uh, Officer Heppler
2 was in plainclothes, but you and Officer Ison were
3 fully uniformed. Correct?

4 OFFICER FILAMOR: Yes.

5 DAI POSADA: So, the subject would have,
6 was there anything obstructing [REDACTED] view seeing that
7 there were two uniformed officers facing [REDACTED] [at an
8 angle]?

9 OFFICER FILAMOR: Well, [REDACTED] would have
10 definitely, uh, have seen Officer Ison, uh, in full
11 uniform. Now, as far as [REDACTED] initially, uh, before
12 the shots were fired, I'm probably, [REDACTED] can probably
13 see me on, on this end of me.

14 DAI POSADA: Half of you, right down the...

15 OFFICER FILAMOR: Well, I wouldn't say...

16 DAI POSADA: Roughly?

17 OFFICER FILAMOR: Approximately, until the
18 shots were fired. Now, [REDACTED] going forward, going
19 down, then I'm in full view.

20 DAI POSADA: Okay. Thank you.

21 SERGEANT WARNKE: Any other questions? All
22 right. It's approximately 1415, I'll conclude this
23 interview.

24 **END OF DOCUMENT**

1 SERGEANT SCOTT WARNKE: This is Scott Warnke,
2 Sergeant, Star number 1397, San Francisco Police
3 Department Homicide Detail. Today is Monday,
4 October 3rd, 2011, it's approximately 1500 hours.
5 We are in an interview room in the Homicide Detail
6 at the Hall of Justice at 850 Bryant Street. This
7 is an interview regarding Case number 110 796 498
8 and present with me is...

9 SERGEANT BILL BRACONI: Sergeant Braconi,
10 Star 2246, with the Homicide Detail.

11 INV. JIM POSADA: Investigator Jim Posada
12 with San Francisco DA, 7044.

13 ADA MIKE SULLIVAN: And Mike Sullivan,
14 Assistant District Attorney.

15 ATTY CHRISTOPHER SHEA: Christopher Shea,
16 Attorney with the Police Officers Association.

17 OFFICER JASON HERNANDEZ: Officer Jason
18 Hernandez of Richmond Station, Star 1608.

19 SERGEANT WARNKE: And Officer Hernandez, so
20 we're all clear, this is a voluntary statement.
21 You're here with counsel, is that true?

22 OFFICER HERNANDEZ: Yes.

23 SERGEANT WARNKE: All right. I'm going to
24 ask you some questions here. What was your date of

1 entry, Officer Hernandez?

2 OFFICER HERNANDEZ: My date of entry for SFPD
3 wa [REDACTED].

4 SERGEANT WARNKE: Did you have prior
5 experience at all?

6 OFFICER HERNANDEZ: I had prior experience.
7 Uh, it's about six years' prior experience with,
8 uh, three years with [unintelligible] PD, uh, one
9 year with Stanislaus County Sheriff's Department,
10 and approximately two years with Riverbank Police
11 Department.

12 SERGEANT WARNKE: How many years with
13 Riverbank?

14 OFFICER HERNANDEZ: Approximately two years.

15 SERGEANT WARNKE: Two. And your current
16 assignment?

17 OFFICER HERNANDEZ: Richmond Station.

18 SERGEANT WARNKE: And how long have you
19 been there?

20 OFFICER HERNANDEZ: Since May of 2001.

21 SERGEANT WARNKE: And where were you prior
22 to that?

23 OFFICER HERNANDEZ: At Park Station. One year
24 at Park Station and then, uh, I did my, uh,

1 training at Tenderloin.

2 SERGEANT WARNKE: And what shift do you
3 work?

4 OFFICER HERNANDEZ: Day shift, 0600 watch.

5 SERGEANT WARNKE: Today, were you in
6 uniform or plainclothes?

7 OFFICER HERNANDEZ: I was in uniform.

8 SERGEANT WARNKE: Do you have a partner?

9 OFFICER HERNANDEZ: I do not.

10 SERGEANT WARNKE: And your call sign today?

11 OFFICER HERNANDEZ: It's 3 George 1 Adam.

12 SERGEANT WARNKE: And you were in uniform.
13 Is this the uniform you were wearing?

14 OFFICER HERNANDEZ: It was.

15 SERGEANT WARNKE: Is this what you were
16 wearing on your gun belt? You have your...

17 OFFICER HERNANDEZ: Yes.

18 SERGEANT WARNKE: Good. Just tell me what
19 you have on.

20 OFFICER HERNANDEZ: I have my gun belt, my
21 OC, my handcuffs, magazine pouch, my baton,
22 handcuffs.

23 SERGEANT WARNKE: Were you in a marked
24 unit?

1 OFFICER HERNANDEZ: I was.

2 SERGEANT WARNKE: About 7:15 this morning,

3 there was an incident that occurred on the 600

4 block of Fulton. Can you tell us what you did in

5 regards to that?

6 OFFICER HERNANDEZ: Tell you the whole story?

7 Tell you what?

8 SERGEANT WARNKE: Okay. Tell us what

9 happened.

10 OFFICER HERNANDEZ: It was, uh...

11 ADA SULLIVAN: Funston.

12 SERGEANT WARNKE: Funston?

13 ADA SULLIVAN: You said Fulton.

14 SERGEANT WARNKE: I meant Funston, I'm

15 sorry.

16 ADA SULLIVAN: Funston; it's all right.

17 SERGEANT WARNKE: The 600 block of Funston.

18 OFFICER HERNANDEZ: Dispatch advised us that

19 there was a stabbing at 6 [REDACTED] Funston. Uh, the, uh, I

20 was backing up the responding officer. He arrived

21 there first, I arrived just a few seconds after he

22 did, along with the fire department. Uh, when I

23 arrived there, I saw an [REDACTED] walking out of

24 the front of the house, or walking near, near the

1 front of the house, holding [REDACTED] hand; [REDACTED] was
2 bleeding. Uh, Officer Wong, who arrived first,
3 escorted and helped, escorted the [REDACTED] the [REDACTED] to
4 the ambulance, and then I proceeded to go to the
5 front of the house.

6 And at the time, Officer Ison arrived on
7 scene, and he joined the front of the house, as
8 well as Officer Wong. Uh, they...at that time, we
9 were going to go in, and then I went and had them
10 wait for the ERIW. We got that, came up to the
11 front, and then about that time, Officer Carrasco
12 and Officer Heppler arrived, and it was determined
13 that we would go inside. Officer Ison went in
14 first. I was immediately behind him along...I don't
15 know the exact order of who was behind me, but it
16 was either Officer Carrasco or Officer Heppler who
17 were right behind me. Uh, we went up...well, prior
18 to, right before going into the house, we
19 identified ourselves SFPD several times. I know I
20 did myself; I did it twice. As we went up the
21 stairs, I was identifying myself two more times. I
22 also heard, uh, Officer Ison identify us.

23 As we got up to the top of the stairs, we saw,
24 Officer Ison and I, I saw that there were two

1 rooms, one directly in front of us and then one to
2 the right of us. At that point, Officer Ison hooked
3 around the stairs, the top of the stairs, went into
4 the front, it'd be the front bedroom, the front
5 room, whatever. I don't know what it was, but I
6 hooked around with him. As he, as I hooked around
7 with him, he said that there was a [REDACTED] down in
8 the hallway, face down. Then I looked down the
9 hallway and I could see that [REDACTED] was face down, it
10 was an [REDACTED] wasn't moving. It was clear
11 that [REDACTED] was in, in danger, something was...you know,
12 [REDACTED] needed medical attention.

13 I hooked around with Officer Ison; followed
14 behind him into the room. Uh, we went in, we
15 cleared that first room. I'm not sure who was in,
16 like I said, I'm not sure who hooked around with me
17 or who was covering down the hallway, where the
18 [REDACTED] was at, as we cleared the room. We came back
19 out. From there, we went into that first bedroom,
20 the first one we saw. Uh, as we went in there,
21 there was boxes and there was stuff, there was
22 stuff everywhere. So, we went in and started
23 clearing, started clearing out the room the best we
24 could.

1 As, as I got first into the room, there was a
2 bed there; I started to look around the bed.
3 Officer Ison was right directly to my right, almost
4 even with me. Then I heard behind me, coming from
5 the hallway, officers yelling drop the knife, drop
6 the knife. At that time, Officer Ison went
7 immediately to the door, as I was trying to turn
8 around. I was about knee-deep in boxes and other
9 stuff that was in there. As I got around, turned
10 around, started towards the door, I again heard
11 officers say drop the knife, drop the knife, and
12 then I saw Officer Heppler retreating backwards as
13 a [REDACTED] was running towards him, and I saw Officer
14 Heppler fire his, his duty weapon. The suspect then
15 fell to the ground.

16 Uh, at that point, they continued. I think
17 [REDACTED] Officer Carrasco grabbed the, uh, the [REDACTED]
18 [REDACTED] and took [REDACTED] out of the house, and then I
19 stayed. At that point, Officer or Sergeant Gray
20 came up. He stood next to me, next to the suspect,
21 as they cleared the rest of, the officers cleared
22 the rest of the house. Once they cleared the house
23 and it was secure, and I was assigned to do the
24 crime scene log.

1 SERGEANT WARNKE: Okay. Thank you. All
2 right. So, you're in uniform. You were the first
3 one in, but you don't remember [REDACTED] is that
4 what you said?

5 OFFICER HERNANDEZ: I was the second one in.

6 SERGEANT WARNKE: The second one in behind?

7 OFFICER HERNANDEZ: Officer Ison.

8 SERGEANT WARNKE: And you don't know...

9 OFFICER HERNANDEZ: And I don't know who was,
10 it was either Officer Carrasco or Officer Heppler
11 that's behind me.

12 SERGEANT WARNKE: Was Officer Ison, what
13 was he wearing?

14 OFFICER HERNANDEZ: He was wearing a police
15 uniform.

16 SERGEANT WARNKE: Okay. Officer Heppler?

17 OFFICER HERNANDEZ: He was wearing
18 plainclothes.

19 SERGEANT WARNKE: Do you remember what he
20 was wearing?

21 OFFICER HERNANDEZ: I don't remember his
22 clothing.

23 SERGEANT WARNKE: Do you remember if his
24 Star was visible, it was out?

1 OFFICER HERNANDEZ: His Star was visible,
2 yes. Both Stars, Officer Carrasco's and Officer
3 Heppler's were visible. I could, I see, I remember
4 seeing their Stars, but I don't remember what their
5 clothing were, what they were wearing.

6 SERGEANT WARNKE: Where was Officer
7 Heppler's Star?

8 OFFICER HERNANDEZ: On his chest.

9 SERGEANT WARNKE: On his chest. Was it
10 hanging around, on his chest? Was it on something
11 or was it affixed to his...?

12 OFFICER HERNANDEZ: I believe, I can't, I
13 don't remember if it was dangling hanging. I
14 remember it was on his chest. I don't know if it
15 was attached or how it was attached.

16 SERGEANT WARNKE: What about Officer
17 Carrasco?

18 OFFICER HERNANDEZ: The same.

19 SERGEANT WARNKE: The same. Clothing?

20 OFFICER HERNANDEZ: Uh, I don't remember his
21 clothing.

22 SERGEANT WARNKE: Okay. Do you remember if
23 there was anybody else? Any other uniformed
24 officers?

1 OFFICER HERNANDEZ: Uh, I believe Officer
2 Filamor came up to the rear. I'm not, I'm...I didn't
3 look. At that point, I didn't look back, who was
4 behind me. I kept looking forward at Officer Ison.

5 SERGEANT WARNKE: Okay. What was said
6 outside? You mentioned that you said let's wait,
7 let's wait for less-lethal.

8 OFFICER HERNANDEZ: I, yeah, I said that.

9 SERGEANT WARNKE: You said that; less-
10 lethal arrived. Did you hear anything coming from
11 inside of the house?

12 OFFICER HERNANDEZ: I did not hear anything
13 at all.

14 SERGEANT WARNKE: So, what was your, why
15 did you guys go in the house?

16 OFFICER HERNANDEZ: Well, I, we believed that
17 the suspect was inside the house. We also believed
18 that there may be more victims inside that needed
19 our help.

20 SERGEANT WARNKE: Okay. So, you arrive. You
21 see the [REDACTED] bleeding.

22 OFFICER HERNANDEZ: Yes. It's apparent that
23 that somebody was hurt, possibly more people hurt.
24 We needed to get inside, we needed to help them.

1 SERGEANT WARNKE: Did the [REDACTED] say anything
2 to you that was bleeding?
3 OFFICER HERNANDEZ: [REDACTED] did not say anything
4 to me.
5 SERGEANT WARNKE: How long were you out
6 front before you went in?
7 OFFICER HERNANDEZ: We're talk...possibly 45
8 seconds, a minute maybe.
9 SERGEANT WARNKE: Did you see the [REDACTED] prior
10 to [REDACTED] being...this incident today?
11 OFFICER HERNANDEZ: See which, what, which
12 one?
13 SERGEANT WARNKE: The [REDACTED], the suspect.
14 OFFICER HERNANDEZ: The suspect?
15 SERGEANT WARNKE: I'll refer to [REDACTED] as the
16 suspect.
17 OFFICER HERNANDEZ: I've never see [REDACTED]
18 SERGEANT WARNKE: Did you see [REDACTED] today,
19 prior to [REDACTED] prior to you...?
20 OFFICER HERNANDEZ: [Uh-uh.]
21 SERGEANT WARNKE: Okay. You didn't see [REDACTED]
22 in the hallway?
23 OFFICER HERNANDEZ: I saw [REDACTED] running. I saw
24 Officer Heppler retreating back, down the hallway,

1 and I saw a [REDACTED]. I didn't, I couldn't see who. I
2 just saw a [REDACTED] running towards [REDACTED] with a knife in
3 [REDACTED] right-hand, held up.

4 SERGEANT WARNKE: A knife in [REDACTED] right
5 hand?

6 OFFICER HERNANDEZ: Yeah. I couldn't, I
7 didn't see the face and I saw the knife. I saw
8 Officer Heppler retreating, and then I, I started
9 to look, and then I pulled back as Heppler, because
10 [REDACTED] just rushed right...I mean [REDACTED] flew right back.

11 SERGEANT WARNKE: Okay. How many shots did
12 you hear?

13 OFFICER HERNANDEZ: I heard like, you know, I
14 couldn't, I don't know.

15 SERGEANT WARNKE: But you did hear people
16 saying...?

17 OFFICER HERNANDEZ: I did hear shots.

18 SERGEANT WARNKE: Did you hear what people
19 were saying though, prior to the shots?

20 OFFICER HERNANDEZ: Drop the knife. Drop the
21 knife, drop the knife.

22 SERGEANT WARNKE: Do you know specifically
23 who said that? Could you put the voice to the
24 words, to a face?

1 OFFICER HERNANDEZ: I cannot.

2 SERGEANT WARNKE: But you did hear it?

3 OFFICER HERNANDEZ: I did hear it.

4 SERGEANT WARNKE: How many times?

5 OFFICER HERNANDEZ: Several times, it was

6 continuous.

7 SERGEANT WARNKE: All right. I have some

8 photos here. Before I show them to you, I just want

9 to look through them. What type of room were you in

10 when you heard the shots?

11 OFFICER HERNANDEZ: I believe it was a

12 bedroom. There was a bed. There was a bed that I

13 was standing next to, but I mean it was just, there

14 was stuff everywhere, so I'm not quite sure what

15 kind of room it was.

16 SERGEANT WARNKE: Okay. I'm going to show

17 you, uh, a photo of a room here. Do you see this

18 photo right here? Is that the room that you were

19 in?

20 OFFICER HERNANDEZ: That's the initial room

21 that we were in.

22 SERGEANT WARNKE: That's the initial room

23 you were in.

24 OFFICER HERNANDEZ: Yes.

1 SERGEANT WARNKE: And that's the photo of,
2 I'll call that the living room. That's [inaudible]
3 west side of the house.
4 ATTORNEY SHEA: Do you want to write
5 that?
6 SERGEANT WARNKE: Please.
7 [Unintelligible due to paper rustling.]
8 SERGEANT WARNKE: Was this the, that
9 bedroom?
10 OFFICER HERNANDEZ: That's the room that I
11 was in.
12 SERGEANT WARNKE: Okay. This is the room
13 that you were in when you saw the person run by?
14 Okay. Was the person running with the knife, did
15 ■■■ did ■■■ say anything?
16 OFFICER HERNANDEZ: I didn't hear ■■■ say
17 anything. Alls I could hear was drop the knife,
18 drop the knife, drop the knife. And they started,
19 they go drop the knife, drop the knife, and then it
20 was just continuous drop the knife, drop the knife.
21 SERGEANT WARNKE: And you heard, you don't
22 know how many shots you heard?
23 OFFICER HERNANDEZ: I don't know.
24 SERGEANT WARNKE: Have you ever been to

1 that residence before?

2 OFFICER HERNANDEZ: I don't recall, but I
3 believe I don't think I have.

4 SERGEANT WARNKE: Did you ever, you did see
5 the [REDACTED] that one of the officers was taking away?
6 You saw [REDACTED]

7 OFFICER HERNANDEZ: Yes.

8 SERGEANT WARNKE: So, if I can go back. You
9 respond, [REDACTED] comes out, [REDACTED] bleeding. You
10 believe there could be the suspect, maybe more
11 victims inside. Wait for the ERIW, you make entry,
12 you and Ison go up the stairs, hook to the right,
13 clear a room. You were in another room, you hear
14 drop the knife, drop the knife. You see Officer
15 Ison retreating backwards. You see the...

16 OFFICER HERNANDEZ: Officer Ison heads
17 towards the...

18 SERGEANT WARNKE: Heads towards the...

19 OFFICER HERNANDEZ: The entry to the other
20 room that we're in. Officer Heppler was retreating.

21 SERGEANT WARNKE: Okay. Officer Heppler was
22 retreating; Officer's Heppler's coming back.

23 Officer Ison...then you heard, you saw a [REDACTED] with a
24 knife go by the room.

1 OFFICER HERNANDEZ: Not by the room, coming
2 towards Officer Heppler. So, [REDACTED] didn't actually go
3 by the room, Officer Heppler went by the room, and
4 the [REDACTED] the suspect was running towards [REDACTED] with
5 the knife.

6 SERGEANT WARNKE: So, where were you
7 standing?

8 OFFICER HERNANDEZ: I was heading, I was...so,
9 if you're in the room, you turn, you're facing the
10 bed; I turned around. I was heading right towards
11 the entry of, of the door when I was hearing drop
12 the knife, drop the knife, and then Officer Heppler
13 goes flying by. And then I...

14 ATTORNEY SHEA: You're headed back towards
15 the stairwell, out of the room?

16 OFFICER HERNANDEZ: Yes, towards the front.

17 SERGEANT WARNKE: You're headed out of the
18 room?

19 OFFICER HERNANDEZ: Out of the room.

20 SERGEANT WARNKE: Okay.

21 OFFICER HERNANDEZ: Towards Officer, towards
22 where everybody's saying drop the knife.

23 SERGEANT WARNKE: Okay. All right. And then
24 you heard a shot?

1 OFFICER HERNANDEZ: Drop the knife, drop the
2 knife. Officer Heppler comes retreating backwards
3 and then I hear shots.

4 SERGEANT WARNKE: Okay. And then Officer
5 Carrasco?

6 OFFICER HERNANDEZ: And then I saw the
7 suspect fall. Then I peeked around and then I saw,
8 I, I can't, I don't know if the [REDACTED] was... No, I
9 think the [REDACTED] was gone at that point; I don't
10 recall.

11 SERGEANT WARNKE: Okay. It's okay. All
12 right. How did you...what were you thinking when you
13 heard drop the knife, drop the knife?

14 OFFICER HERNANDEZ: I thought some, [REDACTED]
15 somebody had a knife in their hand. They were
16 facing down at the end of the hallway and I didn't
17 know if [REDACTED] was... At that time, I didn't know if
18 the suspect was coming or if [REDACTED] was just standing
19 there with the knife. So, once I saw Officer
20 Heppler, it was obvious that the suspect was
21 advancing towards me.

22 SERGEANT WARNKE: Did you have your weapon
23 out?

24 OFFICER HERNANDEZ: I did.

1 SERGEANT WARNKE: Okay. Sergeant Braconi?
2 SERGEANT BRACONI: How's it going?
3 OFFICER HERNANDEZ: Good.
4 SERGEANT BRACONI: Uh, just a couple of
5 things just to clarify. So, you were in that
6 bedroom with Officer Ison. Right?
7 OFFICER HERNANDEZ: Yes.
8 SERGEANT BRACONI: Okay. Officer Ison had
9 the ERIW. Correct?
10 OFFICER HERNANDEZ: Yes.
11 SERGEANT BRACONI: Okay. At what point does
12 Officer Ison start heading to that doorway with the
13 ERIW?
14 OFFICER HERNANDEZ: At the point...what I
15 recall when he's right next to me, he's actually
16 standing on top of everything, where I, I'm, my,
17 you know, everything's up to my knees. Right when
18 we hear drop the knife, drop the knife, he takes
19 off. I turn and start to go also.
20 SERGEANT BRACONI: Okay. Did, did you ever
21 see him direct the, uh, ERIW at anybody?
22 OFFICER HERNANDEZ: I saw him come up to the
23 right side of the door, the door frame. Came up to
24 the right side of the door frame, as I was going to

1 his left, right behind him, to go around, to peek
2 around on his, on his left. Uh, at that point is
3 when Officer Heppler came. I did not see him shoot
4 the ERIW, discharge, I didn't see that. I did see
5 him rack one after the suspect fell.

6 SERGEANT BRACONI: Okay.

7 OFFICER HERNANDEZ: I didn't see. All I saw
8 was Officer Heppler coming, retreating, and I heard
9 the shots. I don't know...

10 SERGEANT BRACONI: You don't know which came
11 first?

12 OFFICER HERNANDEZ: I do not.

13 SERGEANT BRACONI: Uh, did you hear the ERIW
14 go off?

15 OFFICER HERNANDEZ: I didn't hear. I heard
16 just shots, I didn't hear.

17 SERGEANT BRACONI: Do you have any idea how
18 many?

19 OFFICER HERNANDEZ: I don't know.

20 SERGEANT BRACONI: Okay. Uh, let's go back
21 to the, uh, when you first entered the, the unit.
22 You, did you immediately see the [REDACTED] uh, laying
23 down in the hallway or...?

24 OFFICER HERNANDEZ: The first thing we saw,

1 like I said, the first thing I saw was the [REDACTED]
2 with, with the front. I saw there was blood
3 everywhere; drops of blood.
4 SERGEANT BRACONI: That's outside the unit?
5 OFFICER HERNANDEZ: Inside, inside the, right
6 at the doorway. As we went up, there was blood on
7 the, on the railing.
8 SERGEANT BRACONI: Okay, but back up. You
9 said you saw [REDACTED] I'm assuming the [REDACTED] the
10 [REDACTED] [inaudible]?
11 OFFICER HERNANDEZ: [REDACTED], outside.
12 SERGEANT BRACONI: Okay. So, you see the
13 [REDACTED] out front.
14 OFFICER HERNANDEZ: Yes.
15 SERGEANT BRACONI: But once you enter the
16 threshold of the unit, you go up the stairs. Did
17 you see that [REDACTED] there or did you immediately go
18 to your right?
19 OFFICER HERNANDEZ: Not so..Officer Ison saw
20 [REDACTED] first, saw [REDACTED] first, and he hooked. As I
21 hooked around with him, I checked, and I saw [REDACTED]
22 face down in the hallway, and then I followed
23 behind him.
24 SERGEANT WARNKE:

1 SERGEANT BRACONI: Now, and [REDACTED] positioning
2 was facedown, you said that several times.

3 OFFICER HERNANDEZ: Yes.

4 SERGEANT BRACONI: Was [REDACTED] head towards the,
5 the front of the building or was [REDACTED] feet towards
6 the front of the building?

7 OFFICER HERNANDEZ: [REDACTED] was angled, so [REDACTED],
8 [REDACTED] head was...if you're looking down the hallway,
9 [REDACTED] head was to the right, but [REDACTED] was angled in a
10 position that it was more toward the back of the
11 house.

12 SERGEANT BRACONI: So, [REDACTED] head was towards
13 the back of the house.

14 OFFICER HERNANDEZ: Yes.

15 SERGEANT BRACONI: And [REDACTED] feet were closer
16 to you when you got to the top of the stairs?

17 OFFICER HERNANDEZ: Yes.

18 SERGEANT BRACONI: Okay. Uh, and do you
19 recall, uh, the position of Filamor, Carrasco, at
20 that, at any of that time?

21 OFFICER HERNANDEZ: I do not. I was stuck, I
22 was with Officer Ison, so I don't, I don't know
23 they...they were behind me when we went in. I don't
24 know who covered down the hallway. Alls I heard was

1 cover, and then I went to the right with Officer
2 Ison.

3 SERGEANT BRACONI: Okay. Then you hear some,
4 some gunfire, some, some discharged weapon?

5 OFFICER HERNANDEZ: Yeah. When we're in the,
6 when we're in the bedroom.

7 SERGEANT BRACONI: Okay. The suspect goes
8 down.

9 OFFICER HERNANDEZ: Yes.

10 SERGEANT BRACONI: Then what happened? Then
11 what'd you do?

12 OFFICER HERNANDEZ: I stood by the suspect
13 with Sergeant Gray. Sergeant Gray came at that
14 point and stood there. Uh, at that point, once it
15 was clear, it was like seconds it was clear; the
16 whole house was clear. He directed me to go do the
17 crime scene log [unintelligible].

18 SERGEANT BRACONI: Did you see, so when the
19 suspect went down, did you see other officers do
20 something or what did you see them do?

21 OFFICER HERNANDEZ: I saw them go towards
22 the, I saw them clear the rest of the house because
23 the house wasn't clear.

24 SERGEANT BRACONI: And they, meaning who?

1 OFFICER HERNANDEZ: Uh, Officer Ison went and
2 cleared. Uh, at that point, I can't, I don't know
3 who went with him.

4 SERGEANT BRACONI: It was Ison and someone
5 else?

6 OFFICER HERNANDEZ: Yes.

7 SERGEANT BRACONI: Okay.

8 OFFICER HERNANDEZ: I think it was Officer
9 Filamor, I believe; I'm not sure.

10 SERGEANT BRACONI: Okay.

11 OFFICER HERNANDEZ: But I had the suspect
12 there; [REDACTED] had a knife in [REDACTED] hand, so I stayed
13 there.

14 SERGEANT BRACONI: Did you remove the knife
15 from [REDACTED] hand?

16 OFFICER HERNANDEZ: It was already out of [REDACTED]
17 hand.

18 SERGEANT BRACONI: Okay. Was [REDACTED] handcuffed?

19 OFFICER HERNANDEZ: [REDACTED] was not handcuffed.

20 SERGEANT BRACONI: But [REDACTED] wasn't moving?

21 OFFICER HERNANDEZ: [REDACTED] wasn't moving.

22 SERGEANT BRACONI: Uh, and do you know what
23 Officer Carrasco did during any of this?

24 OFFICER HERNANDEZ: I don't. I, I know that

1 he, at some point, helped or got the [REDACTED] out of,
2 out of the house.

3 SERGEANT BRACONI: Do you know that because
4 you saw it or do you know that because somebody
5 told you?

6 OFFICER HERNANDEZ: I saw him at some point,
7 I don't remember the order. I saw him pulling on
8 the, on the [REDACTED] by [REDACTED] back, by [REDACTED] legs, and
9 just dragging [REDACTED] trying to get [REDACTED] out of the
10 house.

11 SERGEANT BRACONI: Okay. And did you see him
12 actually remove [REDACTED] from the house or did you, you
13 saw [REDACTED] pull [REDACTED]

14 OFFICER HERNANDEZ: I, I saw him going
15 towards the stairs.

16 SERGEANT BRACONI: Okay, but that's as far
17 as you saw him?

18 OFFICER HERNANDEZ: I believe at that point,
19 is when we went into the bedroom because he was
20 pulling. I remember, because we went into the
21 bedroom [and that I'd] seen it.

22 SERGEANT BRACONI: Okay. And do you know who
23 shot? You said you saw Heppler shoot or you, you
24 heard [it]?

1 OFFICER HERNANDEZ: No, I saw, I saw
2 Officer...as he was coming back, it was almost in the
3 door frame of the door. As I was going towards it,
4 he was retreating, and I saw his gun and I saw him
5 shoot.

6 SERGEANT BRACONI: Okay. And then after he
7 shot, do you know what he did?

8 OFFICER HERNANDEZ: Uh, no. I don't know
9 exactly what Officer Heppler did.

10 SERGEANT BRACONI: Did you see him leave the
11 building or did he...?

12 OFFICER HERNANDEZ: Alls I remember is
13 Officer Carrasco advised on the radio that [he
14 has], Officer Heppler out of the, out of the house,
15 and I think they restaged it down at the, down at
16 the intersection-Balboa and Funston; I heard that
17 on the radio.

18 SERGEANT BRACONI: That's what you heard on
19 the radio, but you didn't see what he did?

20 OFFICER HERNANDEZ: I didn't see him
21 immediately exit. I don't know, because my focus
22 was on the suspect at that point. It was just
23 within, you know, a minute that I was already out
24 of the house, I would say; it wasn't very long.

1 SERGEANT BRACONI: But they were out of the
2 house?
3 OFFICER HERNANDEZ: Yeah.
4 SERGEANT BRACONI: Uh, that you were?
5 OFFICER HERNANDEZ: I, myself, yeah.
6 SERGEANT BRACONI: Okay.
7 OFFICER HERNANDEZ: Once, once the house was
8 cleared, there's no more suspects, they found the
9 [REDACTED] I believe; they found [REDACTED] I don't know
10 where they found [REDACTED] at, what [REDACTED] was doing; I
11 wasn't down there. I, I was out of the house.
12 SERGEANT BRACONI: And then, uh, Sergeant
13 Gray remained with the [suspect]?
14 OFFICER HERNANDEZ: He stayed in the house at
15 that point, I don't know how long. I don't know.
16 SERGEANT BRACONI: Okay. And then you just
17 went down and started the crime scene log?
18 OFFICER HERNANDEZ: I went down and started
19 the crime scene, yes.
20 SERGEANT BRACONI: Okay. Thank you.
21 SERGEANT WARNKE: You, uh, yeah, this is a
22 photo of the crime scene. Marker six on there,
23 there's a couple of knives. Have you seen those
24 before?

1 OFFICER HERNANDEZ: I...no. I, you know, I
2 don't know if those are the exact knives, but it
3 looks, they look like they could be the knives.
4 SERGEANT WARNKE: Okay.
5 OFFICER HERNANDEZ: But you know, I don't
6 know.
7 UNKNOWN: Sergeant, [unintelligible].
8 SERGEANT WARNKE: I'm going to take a short
9 break and be right back.
10 [The Sergeant leaves temporarily. Recorder
11 remains on.]
12 SERGEANT WARNKE: Okay. Questions?
13 [TRANSCRIBER'S NOTE: Uncertain if the
14 following speakers are Sgt. Braconi and ADA
15 Sullivan.]
16 SERGEANT BRACONI: I just want to, I want to
17 clarify a couple of things. Uh, as you're going
18 down the hallway, you're clearing the house, room
19 by room, looking for the suspect and possibly other
20 victims. Uh, yourself and Officer Ison are clearing
21 a room, uh, and the rest of the, uh, of the
22 officers that were in the house with you, were they
23 in front of you or are you behind them—the
24 threshold of that room?

1 OFFICER HERNANDEZ: The...well, we hooked
2 around the...when we hooked around the stairs,
3 Officer Ison said [unintelligible], then someone
4 said cover him. I'm not sure who said cover. When
5 they said cover that means they're covering the
6 hallway because our backs are going towards the
7 hallway, so they got, our cover.

8 SERGEANT BRACONI: Okay.

9 OFFICER HERNANDEZ: Okay? So, I'm confident
10 that they had that; didn't look; didn't pay any
11 further attention to it. The focus with Officer
12 Ison went to the first living room, cleared that,
13 came back out. I still wasn't watching who was in
14 front, because they still had cover down the
15 hallway, immediately, right into the, into the
16 bedroom. Once we went into the bedroom, like I
17 said, I don't know who.

18 SERGEANT BRACONI: Sure.

19 OFFICER HERNANDEZ: How they were going.

20 SERGEANT BRACONI: And Ison, he actually
21 made it into the hallway before you saw Heppler or,
22 or, uh, the one officer backing up?

23 OFFICER HERNANDEZ: He was right at the door
24 frame.

1 SERGEANT BRACONI: Okay.

2 OFFICER HERNANDEZ: So, right at the right of
3 the door frame, leaning up against the door, the
4 frame itself.

5 SERGEANT BRACONI: So, he was right at the
6 frame, facing down the hallway?

7 OFFICER HERNANDEZ: Yes, and I was heading
8 right to his left, to hook around Heppler.

9 SERGEANT BRACONI: Okay. That's the only
10 clarification I needed.

11 ADA SULLIVAN: So, I do have a couple of
12 questions for you. Where were you when you first
13 saw the suspect?

14 OFFICER HERNANDEZ: I was maybe, I don't, I
15 was heading towards the doorway, the open door to
16 the bedroom.

17 ADA SULLIVAN: Okay. So, let me, uh,
18 because we weren't inside and we're orienting from
19 the pictures, I need a little bit of help from you.
20 So, uh, when you came in, you and Ison went to the
21 right, and did you go straight down to the room
22 that is open in the front of the house first?

23 OFFICER HERNANDEZ: Yes.

24 ADA SULLIVAN: And is that the room that

1 you're talking about exiting, that door frame?

2 OFFICER HERNANDEZ: No.

3 ADA SULLIVAN: Okay. Tell me what door
4 frame you're talking about.

5 OFFICER HERNANDEZ: After we exited the
6 first, the living room, we went straight out and
7 hooked a right into the bedroom.

8 ADA SULLIVAN: All right. And so, you're
9 in that room and you're exiting that room when you
10 talk about the door frame. Is that correct?

11 OFFICER HERNANDEZ: I'm heading towards the
12 door frame, yes, towards the entry.

13 ADA SULLIVAN: Okay. So, you'd be coming
14 back towards the stairs?

15 OFFICER HERNANDEZ: Towards the stairs.

16 ADA SULLIVAN: All right. And so, uh,
17 Officer Ison goes into the, uh, into the, uh, the
18 main thoroughfare there. As you come out, when is
19 it that you first see the subject?

20 OFFICER HERNANDEZ: I didn't even make it out
21 of the room. I was coming up to, to the door. I
22 didn't even break the threshold going towards the,
23 the stairway. I didn't even break it, because he
24 flew by me. As he, as he retreated past me, I saw

1 him with his gun out, and then I, I peeked a
2 little, and then I saw the suspect with their hand,
3 with [REDACTED] hand up with a knife in it.

4 ADA SULLIVAN: So, you're looking out
5 the door when Officer Heppler is retreating?

6 OFFICER HERNANDEZ: Yes.

7 ADA SULLIVAN: [Inaudible]?

8 OFFICER HERNANDEZ: Yes.

9 ADA SULLIVAN: And, uh, can you tell me
10 at what pace was Officer Heppler retreating?

11 OFFICER HERNANDEZ: Fast. He was retreating
12 very fast as, as I was hearing drop the knife, drop
13 the knife, drop the knife.

14 ADA SULLIVAN: Was he still facing the
15 suspect?

16 OFFICER HERNANDEZ: Yes.

17 ADA SULLIVAN: Yes? Okay. And do you
18 recall whether you saw Officer Heppler, uh, with
19 his firearm in his hand?

20 OFFICER HERNANDEZ: Yes.

21 ADA SULLIVAN: And do you recall where
22 the firearm was pointed at?

23 OFFICER HERNANDEZ: His firearm? I remember
24 it was almost level with my, with me, as my face.

1 As I was walking towards the, as I was going
2 towards the entrance, it was almost level with me.
3 I didn't see how he was holding it, but I saw him
4 retreating back with it.

5 ADA SULLIVAN: So, then is it accurate
6 to say that Officer Heppler was standing up,
7 completely upright, and that he had the firearm
8 directly out in front of him?

9 OFFICER HERNANDEZ: It was, it was out in
10 front of him as he was retreating backwards.

11 ADA SULLIVAN: Okay. So, at chest, at
12 chest level or so?

13 OFFICER HERNANDEZ: Yeah.

14 ADA SULLIVAN: And, uh, you heard him
15 continue to make statements at that time?

16 OFFICER HERNANDEZ: I heard, I don't know
17 who, I heard everyone continue drop the knife, drop
18 the knife. I don't know who it was coming from. It
19 was drop the knife, drop the knife, drop the knife.

20 ADA SULLIVAN: All right. And you say
21 you did not see Officer Ison fire the Extended
22 Range weapon, or rather, you did see him rack the
23 shotgun once [beside you]?

24 OFFICER HERNANDEZ: Yes.

1 ADA SULLIVAN: Okay. Do you recall when
2 that was, relative to Officer Heppler retreating?
3 OFFICER HERNANDEZ: It was after. The suspect
4 was already down, and then Officer Ison asked, I
5 think, I believe he asked if I was okay and I asked
6 him if he was okay. I said yes, yes, and then he
7 racked it, and then he moved out towards the
8 hallway, down the hallway.
9 ADA SULLIVAN: So, he may have already
10 fired a round from the Extended Range weapon?
11 OFFICER HERNANDEZ: Yes.
12 ADA SULLIVAN: Okay. But you're not
13 sure?
14 OFFICER HERNANDEZ: I'm not sure.
15 ADA SULLIVAN: At the time you saw the
16 subject, you said...you lifted up your right, your
17 right hand, uh, and you had it above your shoulder,
18 and you had a fist, and it was my understanding the
19 knife was in the subject's hand. Is that correct?
20 OFFICER HERNANDEZ: Yeah, it was and I
21 couldn't see if it was both, if [REDACTED] had both hands
22 up or one hand. I just saw a knife up above [REDACTED]
23 head or about [REDACTED] head level, and it was almost
24 instantly that Officer Heppler came, passed by me.

1 ADA SULLIVAN: Okay. And do you recall,
2 could you describe the knife as you saw it at that
3 time?
4 OFFICER HERNANDEZ: I just saw a metal object
5 in [REDACTED] arm, in [REDACTED] hand. I couldn't, I couldn't
6 identify exactly what it was, but it appeared to be
7 a knife to me.
8 ADA SULLIVAN: And [REDACTED] was, the subject
9 with the knife raised at about head level, was
10 moving towards Officer Heppler?
11 OFFICER HERNANDEZ: Yes.
12 ADA SULLIVAN: And do you recall if [REDACTED]
13 said anything at this time?
14 OFFICER HERNANDEZ: I didn't hear [REDACTED] say
15 anything; I didn't hear. Alls I heard was drop the
16 knife.
17 ADA SULLIVAN: And was your attention
18 drawn to the knife? Specifically, at any point, did
19 you observe the subject's face and [REDACTED] facial
20 expression?
21 OFFICER HERNANDEZ: I did not.
22 ADA SULLIVAN: And then, uh, that's it.
23 Thank you.
24 ATTORNEY SHEA: When the, uh, when

1 Officer Ison racked the shotgun, do you recall, do
2 you recall whether or not you saw an expended
3 shotgun shell casing come out of the gun?

4 OFFICER HERNANDEZ: I recall seeing a shell
5 casing come out. It [didn't] come out of the
6 shotgun and fall on the ground and then
7 [unintelligible].

8 ATTORNEY SHEA: Okay. So, an expended, it
9 would have been...?

10 OFFICER HERNANDEZ: Yes.

11 ATTORNEY SHEA: Probably an expended
12 shell casing?

13 OFFICER HERNANDEZ: Yes.

14 ATTORNEY SHEA: Okay. But you don't
15 specifically recall hearing Ison fire and then
16 Heppler fire?

17 OFFICER HERNANDEZ: I do not.

18 ATTORNEY SHEA: Do you specifically
19 remember hearing one, more than one round fired,
20 can you say?

21 OFFICER HERNANDEZ: I...yeah. There was more
22 than one.

23 ATTORNEY SHEA: Okay. So, it was at least
24 two?

1 OFFICER HERNANDEZ: At least two.
2 ATTORNEY SHEA: But you can't say other
3 than that.
4 OFFICER HERNANDEZ: Right. It was two.
5 ATTORNEY SHEA: Okay.
6 SERGEANT WARNKE: Any other questions?
7 Okay. It's approximately 1532 hours, I'll conclude
8 this interview.
9 **END OF DOCUMENT**

1 SERGEANT SCOTT WARNKE: This is Scott Warnke,
2 Sergeant, with the San Francisco Police Department
3 Homicide Detail. My Star number is 1397. Today is
4 Monday, October 3rd, 2011, it's approximately 1230
5 hours. We are in an interview room with at the
6 Homicide Detail at 850 Bryant Street. This is an
7 interview regarding Case number 110 796 498.
8 Present with me is...

9 INSPECTOR DANIEL CUNNINGHAM: Inspector
10 Daniel Cunningham, Star 650.

11 INV. JIM POSADA: Investigator Jim Posada,
12 an Investigator with the District Attorney, 7044.

13 ADA MIKE SULLIVAN: Mike Sullivan, Assistant
14 DA.

15 ATTY CHRISTOPHER SHEA: Christopher Shea,
16 Attorney with the Police Officers Association.

17 SERGEANT WARNKE: And you are?

18 OFFICER ROBERT WONG: Robert Wong,
19 San Francisco Police Department. My Star number is
20 2005.

21 SERGEANT WARNKE: Okay. And Officer Wong,
22 just so, you're here, this is a voluntary
23 statement, and you do have counsel present with
24 you.

1 OFFICER WONG: That's correct.

2 SERGEANT WARNKE: So, I see you're in uniform

3 right now, and how do you spell your first name?

4 OFFICER WONG: Robert, R-o-b-e-r-t, and

5 the last name is Wong, W-o-n-g.

6 SERGEANT WARNKE: And your date of entry into

7 the Department?

8 OFFICER WONG: [REDACTED].

9 SERGEANT WARNKE: Your current assignment?

10 OFFICER WONG: Uh, 3 George 3 Adam at

11 Richmond Station.

12 SERGEANT WARNKE: Could you explain what that

13 is?

14 OFFICER WONG: Uh, a sector car.

15 SERGEANT WARNKE: A sector car.

16 OFFICER WONG: George...Richmond, 3 car

17 sector.

18 SERGEANT WARNKE: And how long in your

19 current assignment?

20 OFFICER WONG: I've been at Richmond

21 Station about 12 years, I imagine.

22 SERGEANT WARNKE: And your shift today?

23 OFFICER WONG: 0600 to 1600.

24 SERGEANT WARNKE: Were you in uniform or

1 plainclothes?

2 OFFICER WONG: In, in uniform, full
3 uniform, in a marked police vehicle.

4 SERGEANT WARNKE: And were you working with a
5 partner?

6 OFFICER WONG: Uh, no, Sam unit.

7 SERGEANT WARNKE: And you said your call sign
8 was 3 George 3 Adam?

9 OFFICER WONG: That's correct.

10 SERGEANT WARNKE: And can you describe the
11 uniform and equipment you had on today?

12 OFFICER WONG: Uh, long-sleeve, Class B
13 uniform.

14 SERGEANT WARNKE: Did you have your, what
15 about the other equipment?

16 OFFICER WONG: Uh, just with Department
17 issued gun belt, radio, uh, that's about it.

18 SERGEANT WARNKE: Okay. Did you have any
19 other equipment with you in your, in your radio
20 car?

21 OFFICER WONG: Yes. I have what they call
22 a trauma kit, an extended weapon, impact weapon.
23 Uh, that's about it. I didn't assign a shotgun
24 today.

1 SERGEANT WARNKE: Okay. You didn't have a
2 shotgun, but you did have the...

3 OFFICER WONG: Extended weapon, yes.

4 SERGEANT WARNKE: Extended weapon. Is that
5 also referred to as?

6 OFFICER WONG: ERIW.

7 SERGEANT WARNKE: ERIW, okay. Baton?

8 OFFICER WONG: Yes.

9 SERGEANT WARNKE: Okay. And mace or pepper
10 spray.

11 OFFICER WONG: Yes, I have a holster.

12 SERGEANT WARNKE: Okay. There's an incident
13 today that occurred approximately, just around 7:15
14 this morning on the 600 block of Funston Avenue.
15 Can you tell us what your, what happened?

16 OFFICER WONG: I was at the station. I
17 heard Dispatch put out an A-priority 219 stabbing
18 and they gave the address. So, I reached for my mic
19 to, uh, to tell them I'm going to respond, but got
20 cut-off by 3 George 35, who said they're going to
21 go. So, I then ran to my car and, uh, while running
22 to the car, I told Dispatch that I'm going to
23 respond, so she said okay. Uh, I got in the car, I
24 noticed that there was an, uh, an ambulance mid-

1 block, and they started to activate their lights,
2 but being, you know, I'm going on a call where
3 someone's life is in danger, I went ahead. I'm not
4 going to yield to them because they're still like
5 backing or trying to get into the road. I went
6 ahead and, uh, turned on my lights, knowing that
7 I'm going to be going and try and get there as
8 quick as I can.

9 My computer didn't come on yet. It goes like
10 on a sleep mode, if you will. So, by the time it
11 does pop-up, I'm already at the scene. I told
12 Dispatch that there was an ambulance 97 with me,
13 that I told them we both arrived at the same time.
14 Uh, I saw a victim, [REDACTED], who was standing in
15 front of [REDACTED] house. [REDACTED] had a towel wrapped around
16 [REDACTED] hand and [REDACTED] bleeding. I asked [REDACTED] what
17 happened. [REDACTED] told me [REDACTED] was very discombobulated.
18 [REDACTED] was, you know, obviously, in a panic. So, I said
19 what happened? [REDACTED] said, uh, [REDACTED] kind of said like
20 uh. Then the neighbors to my left, which I didn't
21 really look at, they were a white family, and they
22 said [REDACTED], you know, cut [REDACTED] with a knife. So,
23 I, you know, I wanted to get it from [REDACTED], so I
24 asked [REDACTED] what happened. So, I told [REDACTED] I asked

1 [REDACTED] what happened. [REDACTED] told me, uh, [REDACTED] you
2 know, [REDACTED] had a knife. I said, "Uh, [REDACTED] had a
3 knife. Right?" [REDACTED] like, "Yeah." So, I said,
4 "Okay. Where is this knife?" And next thing, [REDACTED]
5 picks it up, [REDACTED] points to the, uh, like a pot; it's
6 a little plant. [REDACTED] points and at the same time
7 reaches for it. I said, "No, no, no, no, no, put it
8 down. Put it down, please. Don't touch it. Is that
9 the knife [REDACTED] used?" [REDACTED] said yes. Okay. I
10 said, "Please, don't touch anything else, just tell
11 me what happened." And I said, "Where is [REDACTED]
12 now?" [REDACTED] said [REDACTED] upstairs. And I said, "Okay. Is
13 [REDACTED] does he have any other weapons?" [REDACTED] said
14 I don't know. I said, "Does [REDACTED] n, uh, is [REDACTED] on
15 drugs or anything? Use drugs?" [REDACTED] goes, "I don't,
16 I don't know." [REDACTED] goes, "No, I don't. No, I don't,"
17 then [REDACTED] just said no. So, I said okay. I said,
18 "Does [REDACTED] have any, uh, psychological issues
19 or something?" And then the neighbor interrupted
20 again and said, [REDACTED] " So,
21 all right.

22 So, at that point, I see that [REDACTED] bleeding. I
23 wanted [REDACTED] to get help as quick as possible. I
24 said, "Okay. You go deal with the medics and

1 they'll take care of your wound." And then at that
2 point, uh, 3 George 1 Adam, Officer Hernandez pulls
3 up. So, I told him the victim is in the wagon, you
4 know, in a [four-way crew], and the suspect is
5 still upstairs. And I said, "I want to go up there
6 to get [REDACTED]" He goes, "No, I think you should
7 wait." I said... [REDACTED], "We're waiting for the ERIW." I
8 said, "Yeah, you're right. We'll wait for [REDACTED] that to
9 arrive." And Ison, 3 George 28, I believe, said
10 [REDACTED] responding with the ERIW.

11 And then, while we're waiting, uh, Hernandez
12 says, "Maybe we can try and get the [REDACTED] to come
13 out. You know, we'll go if we can just call [REDACTED]
14 up." And [REDACTED] goes, "Yeah, let me go get the number
15 from [REDACTED] you know, of the house, and then
16 [REDACTED] name, the suspect," because I didn't see it on
17 the CAD because again, my computer wasn't on and I
18 had no chance to see. So, I went to, the back of
19 the wagon, and asked the [REDACTED] "What's your phone
20 number to your house? What's [REDACTED] name, so I
21 can call [REDACTED] gave it to me.

22 By the time I arrived to the, uh, doorway,
23 officers had already...I didn't see them, so my next
24 assumption was well, they probably went inside

1 already. And then as I was about to cross the
2 threshold of the door, I heard pop, pop, pop, and I
3 knew that to be gunfire, and right there I just
4 said, "Uh, shit," because you know, that's not what
5 I, you know, no one wants to hear that. And, uh, I
6 tried to make way to go inside to help, at which
7 point I saw Officer Carrasco pulling an [REDACTED]
8 [REDACTED] by [REDACTED] ankles and saying, "Clear, clear,"
9 for me to get out of the way, and I told him the
10 medics outside, you know. Not knowing what injuries
11 [REDACTED] had, I had no idea, but I see that [REDACTED]
12 wasn't... [REDACTED] had blood on [REDACTED], and didn't appear to
13 be conscious to me, from what I saw.

14 And once the medics took [REDACTED] I continued to
15 go upstairs, and when I turned to my right, I could
16 see another person down; [REDACTED] face down, [REDACTED]
17 breathing. I later on, assumed that that was the
18 suspect, but I wasn't sure at the time. Then I hear
19 the officers, uh, clearing the rooms, "Okay,
20 clear." So, they're working their way down the hall
21 to make sure there's no one else in the building.
22 There was someone in the back, who it was at the
23 time, I didn't know, but I hear, I'm assuming that
24 someone was there.

1 So, at which point, uh, it was a [REDACTED] and
2 Officer Ison was giving [REDACTED] commands, "Come here,"
3 you know, "Come to us. Come towards us." [REDACTED] didn't
4 respond, [REDACTED] didn't cooperate. Instead, [REDACTED] ran
5 into another room and then locked [REDACTED] in. At
6 which point, not knowing who [REDACTED] was or what [REDACTED]
7 involvement was, you know, if [REDACTED] a victim or a
8 suspect, we had no idea. So, we told [REDACTED] to open
9 the door and [REDACTED] didn't open the door, so Officer
10 Ison had to boot the door, and then we got [REDACTED] out,
11 and handcuffed [REDACTED] And that was pretty much my
12 involvement.

13 SERGEANT WARNKE: Okay. Thank you for that.
14 I'm going to show you a photo here. Describe the
15 knife and, uh, well, just, is this the knife that
16 you saw?

17 OFFICER WONG: Yes.

18 SERGEANT WARNKE: Okay. And this is a photo
19 of a flower pot and there's an evidence marker
20 number one in there, and there's a brown-handled
21 knife. It's actually like face down, like it's
22 sticking in the dirt. Is that the knife that you're
23 referring to?

24 OFFICER WONG: Yes.

1 SERGEANT WARNKE: And you said the threshold.
2 I'm going to show you a photo of the front door.
3 You said when you were just about in the threshold,
4 the threshold, you heard pop, pop, pop?
5 OFFICER WONG: Yeah. I was right about
6 here.
7 SERGEANT WARNKE: So, just inside of the iron
8 gate, but not inside of the residence?
9 OFFICER WONG: Yes.
10 SERGEANT WARNKE: Okay. And when you first
11 saw Officer Carrasco dragging the [REDACTED] to safety,
12 where, whereabouts was that?
13 OFFICER WONG: He was at the top of the
14 stairs.
15 SERGEANT WARNKE: At the top of the stairs?
16 Okay.
17 OFFICER WONG: Working his...he was already
18 down from the, uh, you know, working his way down.
19 SERGEANT WARNKE: Did you hear any of the
20 other officers make any other statements or
21 spontaneous...anything like that?
22 OFFICER WONG: Uh, no.
23 SERGEANT WARNKE: Okay. And you and Officer
24 Hernandez, you told Officer Hernandez I want to go

1 in and, I want to go and get [REDACTED] and he said no?
2 OFFICER WONG: He said we better wait for
3 less-lethal. I said you're right.
4 SERGEANT WARNKE: Okay.
5 OFFICER WONG: But it's just that I was
6 just fearing that someone, you know, might be in
7 danger.
8 SERGEANT WARNKE: Uh-huh.
9 OFFICER WONG: And I knew that time was
10 clicking; I didn't want anyone to get hurt.
11 SERGEANT WARNKE: Right.
12 OFFICER WONG: So.
13 SERGEANT WARNKE: And then, but you did want
14 to wait for ERIW?
15 OFFICER WONG: Yeah. And so, yeah, he did,
16 when he said that, right, I better wait.
17 SERGEANT WARNKE: Okay. So, you were in fear
18 that somebody else could possibly be in danger?
19 OFFICER WONG: Yeah. I, that's when my,
20 my, uh, gut instinct told me that someone was up
21 there and [I didn't want them] to get hurt.
22 SERGEANT WARNKE: When you were outside, did
23 you hear any, anything the officers were saying
24 inside, prior to the shooting?

1 OFFICER WONG: No, I couldn't hear. I was,
2 I heard a pop. All I heard was a popping sound.

3 SERGEANT WARNKE: And that was right when you
4 entered, across the threshold from the, the gate?

5 OFFICER WONG: Yeah.

6 SERGEANT WARNKE: Where did you park?

7 OFFICER WONG: I parked, uh, maybe, I
8 don't know, 40 feet away from the front door, if
9 you will, maybe, if not further.

10 SERGEANT WARNKE: Do you remember if you were
11 coming north or south?

12 OFFICER WONG: I was facing southbound.

13 SERGEANT WARNKE: Facing south. And the, uh,
14 the four-way, the paramedic crew that was already,
15 the crew was on scene?

16 OFFICER WONG: Yeah. They were right
17 behind me the entire way.

18 SERGEANT WARNKE: They were behind you. Did
19 they park behind you also?

20 OFFICER WONG: Yes.

21 SERGEANT WARNKE: Okay. Did you hear who
22 called in the suspect? You said you believed it was
23 [REDACTED] but did [REDACTED] make any statements to you
24 after? Did [REDACTED] make any statements at all?

1 OFFICER WONG: Uh, no, [REDACTED] did not. [REDACTED] was
2 breathing but [REDACTED] was facedown.

3 SERGEANT WARNKE: Okay. Did [REDACTED] say
4 anything or the, or the [REDACTED] with the cut hand?

5 OFFICER WONG: No. [REDACTED] was kind of out of
6 it, in a way.

7 SERGEANT WARNKE: Okay. Inspector Cunningham,
8 do you have any questions?

9 INSPECTOR CUNNINGHAM: Yes, I have some
10 questions of Officer Wong. What, was the weather
11 like when you responded there? Was it, was it okay?
12 Was it raining, slick, sprinkly?

13 OFFICER WONG: Uh, over[cast], cloudy, but
14 no, the roads were dry.

15 INSPECTOR CUNNINGHAM: Do you remember what
16 type of, what time it was? I know you said you
17 started at 06 that day, do you remember around what
18 time it was?

19 OFFICER WONG: It was, uh, just after
20 seven.

21 INSPECTOR CUNNINGHAM: Approximately.

22 OFFICER WONG: About 20 after 7.

23 INSPECTOR CUNNINGHAM: Okay. Have you ever
24 been to that address before?

1 OFFICER WONG: No, I haven't.

2 INSPECTOR CUNNINGHAM: And, uh, do you know
3 any of the persons involved before or dealt with
4 them at any other time?

5 OFFICER WONG: You know, t [REDACTED] I've
6 seen [REDACTED] in the, in the neighborhood, but I
7 don't...no, no contact with [REDACTED]

8 INSPECTOR CUNNINGHAM: Now, was that call
9 today, was that in your district?

10 OFFICER WONG: Yes.

11 INSPECTOR CUNNINGHAM: And you were the
12 first officer to respond at the scene?

13 OFFICER WONG: That's correct.

14 INSPECTOR CUNNINGHAM: Okay. And do you
15 speak Cantonese or Mandarin?

16 OFFICER WONG: No, I don't.

17 INSPECTOR CUNNINGHAM: Okay. You don't
18 speak either?

19 OFFICER WONG: No, I don't.

20 INSPECTOR CUNNINGHAM: Okay. And, uh, the
21 person you talked to, uh, that called the 909, the
22 [REDACTED] who was injured, did [REDACTED] speak to you in
23 [REDACTED] or did [REDACTED] speak to you in [REDACTED]

24 OFFICER WONG: English.

1 INSPECTOR CUNNINGHAM: In English. And how
2 was his English?

3 OFFICER WONG: Uh, clear.

4 INSPECTOR CUNNINGHAM: It was clear. And [REDACTED]
5 was [REDACTED], right?

6 OFFICER WONG: Yes.

7 INSPECTOR CUNNINGHAM: Would you say [REDACTED] was
8 [REDACTED] or...?

9 OFFICER WONG: I would say [REDACTED] was [REDACTED].

10 INSPECTOR CUNNINGHAM: Okay. When you were,
11 uh, out in front when you first got there, there
12 was a neighbor next door, a [REDACTED] a couple of
13 doors down.

14 OFFICER WONG: Uh-huh.

15 INSPECTOR CUNNINGHAM: What, what did [REDACTED]
16 say to you again, what happened?

17 OFFICER WONG: They were just standing
18 there you know, so initially, I saw [REDACTED] standing.
19 When I asked [REDACTED] was real slow in giving
20 what [REDACTED] you know, [REDACTED] responses were, and that's
21 when they said [REDACTED], you know, has a knife, [REDACTED]
22 cut [REDACTED]. So, I go okay, well, that's...I didn't
23 believe they would know more than [REDACTED] that came
24 out of the house, so I wanted to get from [REDACTED] what

1 happened. I didn't even know if [REDACTED] as still
2 there.

3 INSPECTOR CUNNINGHAM: Right.

4 OFFICER WONG: You know, I didn't know if
5 [REDACTED] had fled the scene, so that's why I said, "Is
6 [REDACTED] still here?" [REDACTED] goes, "Yeah." I said,
7 "Where is [REDACTED] said, "Upstairs."

8 INSPECTOR CUNNINGHAM: When you asked [REDACTED],
9 you're talking about [REDACTED]

10 OFFICER WONG: [REDACTED] yeah.

11 INSPECTOR CUNNINGHAM: So, did the [REDACTED]
12 actually ever tell you that [REDACTED] stabbed [REDACTED]

13 OFFICER WONG: No.

14 INSPECTOR CUNNINGHAM: Or the neighbor did?

15 OFFICER WONG: Uh, the neighbor blurted
16 out something like that, but my focus was only on
17 the, uh, the bleeding [REDACTED]

18 INSPECTOR CUNNINGHAM: So, initially, the
19 initial information you got, there was nothing
20 about anybody else involved other than [REDACTED]
21 and [REDACTED]. Is that right?

22 OFFICER WONG: Yeah, nothing. Nothing that
23 I...because my computer wasn't even on. I mean, you
24 know, it didn't, it didn't pop up the screen until

1 obviously, after I got there.

2 INSPECTOR CUNNINGHAM: And that's all the
3 neighbor said to you too, was it was just about the
4 [REDACTED] and the [REDACTED].

5 OFFICER WONG: Yeah.

6 INSPECTOR CUNNINGHAM: And you never...so,
7 other than going, starting to go through the
8 threshold, you never went into the house?

9 OFFICER WONG: Uh, not prior to the shots
10 I heard.

11 INSPECTOR CUNNINGHAM: So, at some point
12 after, you did?

13 OFFICER WONG: After, yeah.

14 INSPECTOR CUNNINGHAM: Were you aware then,
15 of who fired the shots?

16 OFFICER WONG: Uh, no. But then as I saw
17 Carrasco leading, uh, his partner Heppler out, and
18 Heppler had this look on his face like you know.

19 INSPECTOR CUNNINGHAM: Right.

20 OFFICER WONG: It didn't look like he was
21 too happy. So, I, I thought he had got hurt. I said
22 "Well, God, I hope he wasn't the one that got
23 shot."

24 INSPECTOR CUNNINGHAM: Right.

1 OFFICER WONG: So, I, as he walked past
2 me, I said are you okay? And he said yeah, he just
3 nodded his head, but he didn't have that look of
4 being okay, so I was, I was really worried.

5 INSPECTOR CUNNINGHAM: Would it be okay
6 with you if I took a minute break? I just want to
7 ask the other inspector that's here if he has any
8 questions for Officer Wong.

9 SERGEANT WARNKE: Yeah.

10 INSPECTOR CUNNINGHAM: That would be all
11 right? [Unintelligible] got some questions too?

12 SERGEANT WARNKE: Yeah, I'll wait until you
13 come back.

14 [16:30 to 17:40—the Inspector leaves briefly.]

15 OFFICER WONG: My stomach.

16 INSPECTOR CUNNINGHAM: I just, I just have
17 one more question, just to clarify. I think you
18 answered it, but I just want to be sure about it.
19 You know, you were talking about the two officers
20 that came out. One, Carrasco was one.

21 OFFICER WONG: Uh-huh.

22 INSPECTOR CUNNINGHAM: The other guy's name
23 is Hep?

24 OFFICER WONG: Uh, Heppler.

1 INSPECTOR CUNNINGHAM: Heppler?
2 OFFICER WONG: Yeah.
3 INSPECTOR CUNNINGHAM: And when Heppler
4 came out, you said that he, he, uh, you, you kind
5 of picked up on that he...I'm guessing, from the way
6 you told me, that he might have been involved in
7 the shooting. Is that accurate to say? Is that how
8 you picked up on it?
9 OFFICER WONG: I, I thought he got hurt.
10 INSPECTOR CUNNINGHAM: Okay, he got hurt.
11 OFFICER WONG: Because he just didn't
12 look, you know, and...
13 INSPECTOR CUNNINGHAM: Okay. I know you
14 said, you used the word happy, but I mean, would
15 that be the best, I mean, do you mean more like he
16 looked kind of bewildered or scared? Would that be,
17 I'm not trying to put words in your mouth, but
18 would that be more like it?
19 ATTORNEY SHEA: I think he said not happy.
20 OFFICER WONG: He, yeah. It was...
21 INSPECTOR CUNNINGHAM: Right.
22 OFFICER WONG: Yeah. He was...
23 INSPECTOR CUNNINGHAM: I'm trying to get a
24 better...

1 OFFICER WONG: Like he really [wouldn't]
2 have been there—that look. It's just like he did
3 not want to be there, you know.

4 INSPECTOR CUNNINGHAM: Kind of out of it?

5 OFFICER WONG: Yeah.

6 INSPECTOR CUNNINGHAM: Okay.

7 SERGEANT WARNKE: Was Heppler, what was
8 Heppler wearing, Officer Heppler?

9 OFFICER WONG: Plainclothes.

10 SERGEANT WARNKE: Okay.

11 DAI POSADA: Okay. I just have a couple
12 of questions. When you first arrived and you saw
13 the older [REDACTED] at the front of the house, and
14 you said [REDACTED] was bleeding.

15 OFFICER WONG: Uh-huh.

16 DAI POSADA: Could you tell where [REDACTED] was
17 bleeding from or?

18 OFFICER WONG: His, uh, I assume it was
19 the right hand. [REDACTED] had a big towel, it looked like
20 it was really wrapped, and it's bleeding from
21 there, like the edge of it is dripping down.

22 DAI POSADA: Profuse bleeding?

23 OFFICER WONG: Yeah, because I imagine
24 with the towel and it's still bleeding, I said that

1 looks like it probably could have been a good gash.
2 I never saw it and didn't know what it was.
3 DAI POSADA: And then you directed [REDACTED]
4 over to the ambulance?
5 OFFICER WONG: Yeah. Once I found out that
6 the suspect was still inside, you know, and maybe
7 armed still. Uh, my job was, okay. Get you out of
8 there and get treatment as quick as you can.
9 DAI POSADA: Okay.
10 OFFICER WONG: And then initially, I
11 wanted to go inside myself because I just feared
12 that maybe, you know, the [REDACTED] armed with who
13 knows what.
14 DAI POSADA: Sure.
15 OFFICER WONG: And somebody else can be
16 hurt. So, my gut instinct for me was just to get
17 inside there and deal with [REDACTED] as quickly as
18 possible, but at that moment, that's when, uh,
19 Hernandez came and told me, "Hey, maybe we better
20 wait." I told him, I said, "I want to go get this
21 [REDACTED]" He goes, "Yeah, we better wait for less-
22 lethal." I said, "Yeah, you're right, let's do
23 that." Okay. And then, at which point, we said we
24 got to try to get this [REDACTED] out. That's when [REDACTED]

1 said, "Maybe we can call [REDACTED]" I said, "Yeah,
2 maybe. I'll get the number, right, from the, uh,
3 victim."
4 DAI POSADA: Okay. All right. I have no
5 other questions.
6 ADA SULLIVAN: I just want to follow-up
7 with a couple of things. Uh, when you pulled up,
8 uh, where was [REDACTED] with the...well, just say cut
9 hand. Where was [REDACTED] standing?
10 OFFICER WONG: [REDACTED] was just standing in
11 front of, on the sidewalk in front of [REDACTED] house.
12 ADA SULLIVAN: Okay. So, [REDACTED] was directly
13 by the planter that we're talking about, like that?
14 OFFICER WONG: Yeah.
15 ADA SULLIVAN: Okay. And was the neighbor
16 standing next to [REDACTED]
17 OFFICER WONG: Yes. I saw them to my, uh,
18 left. They were near [REDACTED] in front of their, I
19 guess their residence.
20 ADA SULLIVAN: Okay. So, now...
21 OFFICER WONG: Someone was doing this when
22 I drove up and, you know, I assume, okay, I see an
23 [REDACTED] and [REDACTED] got a towel on [REDACTED] hand, so
24 there's my victim.

1 ADA SULLIVAN: When, uh, when you looked
2 over, do you recall whether that, uh, iron gate was
3 open or closed?

4 OFFICER WONG: It was open.

5 ADA SULLIVAN: All right. And how about
6 the door behind it, going into the house?

7 OFFICER WONG: That was open as well.

8 ADA SULLIVAN: And then you had said that
9 you had a bad feeling about something that may or
10 may not happen inside the house, maybe someone else
11 would get hurt. Did you have anything specific that
12 led you to believe that someone else was inside in
13 danger?

14 OFFICER WONG: I mean I don't even know
15 how to go there. There's things that I feel and
16 see, it's just weird, I can't explain it, but I,
17 I'm never wrong. So, I believe someone's life was
18 endangered.

19 ADA SULLIVAN: Okay. I completely respect
20 that and as a follow-up question, was there
21 anything that you could point to specifically to
22 say that you, uh, that led you to believe that you
23 were concerned for someone inside the house?

24 OFFICER WONG: The fact that [REDACTED] would

1 hurt [REDACTED] with a weapon.
2 ADA SULLIVAN: Okay.
3 OFFICER WONG: Tells you right there this
4 [REDACTED] is not playing with a full deck.
5 ADA SULLIVAN: All right. But you had no,
6 uh, no other inclination leading you to believe
7 that there was, uh, some other person in there
8 currently in danger. Is that correct?
9 OFFICER WONG: Nothing from what the
10 [REDACTED] told me. It was, I mean, my contact was
11 brief. I didn't even know that there was other
12 people in the house, to be honest. I didn't know,
13 but my good sense told me there was.
14 ADA SULLIVAN: And then, you had an
15 extended range weapon in your vehicle. Correct?
16 OFFICER WONG: Yes.
17 ADA SULLIVAN: And after you spoke with,
18 uh, Officer Hernandez, it was your response that
19 maybe you could call the person, maybe get [REDACTED] to
20 come out that way. Correct?
21 OFFICER WONG: Yes.
22 ADA SULLIVAN: So, you went over and spoke
23 with the injured person at the paramedics, that the
24 paramedic had. Right?

1 OFFICER WONG: Yes.

2 ADA SULLIVAN: And by that time, the

3 officers had responded. Do I get, did I get that

4 timeline correct?

5 OFFICER WONG: Yes. Uh, Hernandez was

6 there with me, uh, 3 George 28, Officer Ison was

7 there with the ERIW, and you know, it was ready to

8 go. At which point, I'm still getting the phone

9 number from the, uh, victim. So, when I walked back

10 to the front door, I didn't see the officers

11 anymore.

12 ADA SULLIVAN: Okay. There was one thing I

13 was hoping you could help me clarify, and that was

14 the paramedics were treating the [REDACTED] for

15 [REDACTED] hand injury.

16 OFFICER WONG: Yes.

17 ADA SULLIVAN: And then, at the time you

18 went to the threshold, you had heard the three

19 pops. At some point you had said that, or I believe

20 you said that the, uh, [REDACTED] that Officer

21 Carrasco was pulling was treated by paramedics. Was

22 that the same paramedic group?

23 OFFICER WONG: Uh, yes. As far as I'm

24 concerned, what happens, I heard a pop. Then within

1 nanoseconds, Troy's pulling [REDACTED] down the stairs and
2 says, "We need a 408." I said, "Yeah, we have the
3 medics outside," I told him. "They're, they're
4 right here," and so, I got out of his way, so that
5 he can get past. Then the medics were right there.
6 They picked [REDACTED] up and carted [REDACTED] away. I went
7 inside the house now fearing, okay, the suspect's
8 out there with, you know. I thought he had fired a
9 gun, because I didn't know who had fired a gun. I
10 heard popping sounds that I knew was a weapon,
11 that's all I knew, and I went up to assist.

12 ADA SULLIVAN: Okay. Thank you, very much.

13 SERGEANT WARNKE: I just want, I have a
14 couple of follow-up questions. You've been an
15 officer for how long?

16 OFFICER WONG: Twenty-two years.

17 SERGEANT WARNKE: Twenty-two years. Can you
18 tell us about your previous assignments, besides
19 you work at Richmond Station now?

20 OFFICER WONG: Yes.

21 SERGEANT WARNKE: Can you tell us about your
22 previous assignments?

23 OFFICER WONG: I worked at Mission Station
24 prior to that.

1 SERGEANT WARNKE: Do you remember how long?
2 OFFICER WONG: Uh, nine, I guess nine to
3 ten years at Mission.
4 SERGEANT WARNKE: Okay. And prior to that?
5 OFFICER WONG: Uh, trained at Northern
6 Station.
7 SERGEANT WARNKE: Trained at Northern. So,
8 you've been in 22 years. You've been at Richmond,
9 it looks like maybe 11, 12 maybe?
10 OFFICER WONG: Yeah. I guess it's closer
11 to 12.
12 SERGEANT WARNKE: And you spent nine years at
13 Mission. So, not the exact same circumstances, but
14 you've been to intense situations before,
15 stabbings, shootings.
16 OFFICER WONG: All of my life.
17 SERGEANT WARNKE: Your whole life, so you've
18 been to several of these.
19 OFFICER WONG: My whole life. I grew up in
20 the Double Rock Housing projects.
21 SERGEANT WARNKE: Okay. So, you've seen a lot
22 of stuff in your 22 years as an officer. Okay. And
23 as far as...how far away were you when you realized
24 that the officers weren't there anymore? You said

1 you went back, you went to get the number and the
2 officers weren't...

3 OFFICER WONG: Yeah. Just...

4 SERGEANT WARNKE: Do you remember how far
5 away you were?

6 OFFICER WONG: Uh, where the wagon was
7 parked, so that's, gee, maybe 50 feet or more.

8 SERGEANT WARNKE: 50 feet? Okay.

9 OFFICER WONG: At least.

10 SERGEANT WARNKE: So, you couldn't hear
11 anything.

12 OFFICER WONG: I couldn't hear.

13 SERGEANT WARNKE: Coming from the house.

14 OFFICER WONG: No.

15 SERGEANT WARNKE: But you weren't close
16 enough to hear what maybe the officers at the door
17 were hearing?

18 OFFICER WONG: No, I didn't hear.

19 SERGEANT WARNKE: Okay. I don't have any
20 further questions.

21 INSPECTOR CUNNINGHAM: The last thing. When
22 you were out in front and after it all went down,
23 did any neighbors come up to you and make mention
24 that there have been problems there before or?

1 OFFICER WONG: Not to me, no.

2 INSPECTOR CUNNINGHAM: Did they make
3 mention of anybody else that you know of that might
4 have told you?

5 OFFICER WONG: Uh, I didn't speak with
6 them at all. I know later on, as officers
7 responded, they spoke to someone, and I do believe,
8 I did see them talk to, uh, [REDACTED], but I
9 don't know what was said or.

10 INSPECTOR CUNNINGHAM: Okay.

11 OFFICER WONG: And I wanted to get to
12 them, because I know I'm going to need to put them
13 in the report.

14 INSPECTOR CUNNINGHAM: Right.

15 OFFICER WONG: Because it's going to be my
16 report.

17 INSPECTOR CUNNINGHAM: Right.

18 OFFICER WONG: But I [was on the scene].

19 INSPECTOR CUNNINGHAM: Okay.

20 ATTORNEY SHEA: Uh, the ERIW, that's the
21 Extended Range Impact Weapon?

22 OFFICER WONG: Yes.

23 ATTORNEY SHEA: Could you just describe
24 what that is?

1 OFFICER WONG: It's basically a shotgun
2 with a bean bag round in it. It's to, designed to,
3 you know, immobile somebody.

4 ATTORNEY SHEA: So, it's a less-lethal
5 method.

6 OFFICER WONG: Less-lethal, yeah. It
7 won't, will not kill you unless you're too close.
8 You know, it can, but it will not kill a person.

9 ATTORNEY SHEA: And when you and Officer
10 Hernandez decided not to make entry, did you know
11 that the ERIW was on the way?

12 OFFICER WONG: Yes.

13 ATTORNEY SHEA: That was over the radio,
14 you heard that?

15 OFFICER WONG: Yes.

16 ATTORNEY SHEA: And...okay.

17 OFFICER WONG: Everybody responded so
18 fast, I mean, I think I took less than a minute to
19 get there myself.

20 ATTORNEY SHEA: And then the, the timeframe
21 on this thing, from the time, uh, that you made
22 contact with the victim to the time that the shots
23 were fired and the house was cleared, can you give
24 us an idea of, was that like a minute, two minutes?

1 OFFICER WONG: Yeah, maybe two minutes
2 maybe.
3 ATTORNEY SHEA: So, pretty fast?
4 OFFICER WONG: It went down too fast
5 actually.
6 ADA SULLIVAN: Can I follow-up with just a
7 couple of questions for you?
8 OFFICER WONG: Yeah.
9 ADA SULLIVAN: So, that is you've been
10 trained, uh, to use the extended range weapon.
11 Right?
12 OFFICER WONG: Yes.
13 ADA SULLIVAN: So, you're familiar with
14 what [unintelligible] is. Correct?
15 OFFICER WONG: Yes.
16 ADA SULLIVAN: So, at any point, uh, did
17 you hear the extended range weapon go off while you
18 were there?
19 OFFICER WONG: What I heard, to me, was,
20 uh, I thought I heard three popping sounds. It
21 didn't sound loud and it won't sound loud if you're
22 outside, because that's gunfire when you're
23 indoors, it's a whole different... It's not like
24 shooting out where it's going to echo a lot. So, a

1 lot of sounds get muffled. It sounds like a small
2 caliber when indeed, it could be something bigger.

3 ATTORNEY SHEA: There's an extended range
4 weapon and an extended range impact weapon. Right?
5 Those are two different things?

6 ADA SULLIVAN: In this case, what I'm
7 asking about is the bean bag shotgun, for lack of a
8 better phrase. And in that situation, the three
9 popping sounds that you heard, did they appear to
10 be consistent?

11 OFFICER WONG: Uh, yes. At that moment,
12 yeah, for me.

13 ADA SULLIVAN: And can you tell how far
14 apart they were spaced?

15 OFFICER WONG: Just pop, pop, pop, that's
16 what I heard.

17 ADA SULLIVAN: Okay. So, right...one after
18 the other?

19 OFFICER WONG: Yeah, pretty much, not
20 like, you know, pretty-pop, pop, pop is what I
21 heard.

22 ADA SULLIVAN: All right.

23 SERGEANT WARNKE: Anybody else have any
24 questions? Okay. It's approximately 1300 hours.

1 We'll conclude this interview.

2 **END OF DOCUMENT**

1 SERGEANT SCOTT WARNKE: This is Scott Warnke,
2 Sergeant, Star number 1397, San Francisco Police
3 Department. Today is Monday, October 3rd, 2011,
4 it's approximately 1540 hours. We are in the
5 Homicide Detail interview room, the Hall of Justice
6 at 850 Bryant Street. This is an interview
7 regarding Case number 110 796 498 and present is...

8 SERGEANT BILL BRACONI: Sergeant Bill
9 Braconi, Star 2246, with the Homicide Detail.

10 INV. JIM POSADA: Investigator Jim Posada,
11 SF DA, 7044.

12 ADA MIKE SULLIVAN: Mike Sullivan, Assistant
13 District Attorney.

14 ATTY CHRISTOPHER SHEA: Christopher Shea,
15 Attorney for the Police Officers Association.

16 SERGEANT LAWRENCE GRAY: Uh, Lawrence Gray,
17 Sergeant of Police at Richmond Station, Star 1304.

18 SERGEANT WARNKE: Okay, Sergeant Gray. So
19 we're clear, this is a voluntary statement and
20 you're here with counsel. Is that correct?

21 SERGEANT GRAY: Yes.

22 SERGEANT WARNKE: Okay. Sergeant Gray, do you
23 remember your date of entry into the Department?

24 SERGEANT GRAY: Date of, I was a civilian

1 in the Department. My first day was the first day
2 of the [REDACTED] As a police officer, it was
3 [REDACTED].
4 SERGEANT WARNKE: Okay. And your current
5 assignment?
6 SERGEANT GRAY: Is Richmond Police Station.
7 SERGEANT WARNKE: And how long have you been
8 there?
9 SERGEANT GRAY: Uh, about a year.
10 SERGEANT WARNKE: And prior to that, your
11 other places that you've worked?
12 SERGEANT GRAY: I worked at Mission Station
13 for about 15 years, Central Station for 8,
14 Southeast, Bayview, Potrero, whatever you want to
15 call it, about 6 out there. Uh, 3 years on the
16 Honda Unit, a year in Recruitment, 6 months at the
17 Airport, 4 weeks at Taraval.
18 SERGEANT WARNKE: All right, thank you. And
19 your shift today?
20 SERGEANT GRAY: Day watch.
21 SERGEANT WARNKE: Day watch, and the hours on
22 your day watch?
23 SERGEANT GRAY: 06 to 16.
24 SERGEANT WARNKE: And you're in uniform now,

1 is that your uniform today?

2 SERGEANT GRAY: Yes.

3 SERGEANT WARNKE: Okay. And your call sign?

4 SERGEANT GRAY: Uh, 3 George 104.

5 SERGEANT WARNKE: And you're a sergeant, were
6 you by yourself today?

7 SERGEANT GRAY: Yes.

8 SERGEANT WARNKE: Okay. And you're in uniform
9 now. I see you have your radio on your gun belt,
10 and all the other equipment. I can see your gun, I
11 can't see your, uh, what other equipment you were
12 wearing during the incident. Pepper spray?

13 SERGEANT GRAY: This is, this is the
14 uniform.

15 SERGEANT WARNKE: Okay. Do you have a baton?

16 SERGEANT GRAY: I always have my baton.

17 SERGEANT WARNKE: Okay. At approximately
18 7:00, a little after 7:15, there was an incident on
19 the 600 block of Funston. Can you tell us what,
20 what happened, your involvement?

21 SERGEANT GRAY: Uh, there was a call of a
22 stabbing. Uh, [REDACTED] had stabbed [REDACTED] I
23 believe they stated there was a stab wound to the
24 hand, and I started rolling in that direction with

1 most of the Richmond day watch.

2 SERGEANT WARNKE: Okay.

3 SERGEANT GRAY: Do you want more, more of
4 what I did?

5 SERGEANT WARNKE: Just...sure.

6 SERGEANT GRAY: Uh, I was probably the 4th
7 unit there. Uh, determined the house...my computer
8 wasn't working, so I found the location by where
9 the officers were. Uh, saw the blood. Officer Wong
10 was interviewing the victim. Uh, we found out that
11 the suspect was still in the building, and we just
12 sort of held back until the, uh, ERIW arrived on
13 scene.

14 When that officer arrived, Officer Ison, he
15 made entry in the building to look for the suspect
16 and any other victims. Uh, officers, it's
17 [unintelligible] up the first step, uh, flight of
18 stairs. I was probably, I don't know, maybe the
19 fifth officer going up. Officers went to the right,
20 to the living room area, the western part of the
21 building to clear that room. Uh, that room was
22 cleared. Officers moved to the next room, which is
23 directly at the top of the stairs.

24 At that time, uh, Officer Carrasco said he saw

1 a body; there's a body down. I looked over there,
2 saw a [REDACTED] completely motionless. Officer Carrasco
3 went in, grabbed [REDACTED] by the legs, and dragged [REDACTED]
4 down the hallway, past me, and then down the
5 stairways; he got [REDACTED] down. After that, I didn't
6 have a visual of the suspect, but there was a great
7 deal of yelling-Stop, stop. A lot of other yelling,
8 I couldn't tell you what the particular words were.
9 Then I saw a figure. Officer Heppler was to my
10 right, he was kind of backpedaling and then fired
11 his firearm on the suspect.

12 What else to add? Announcements were made,
13 "Police, Police," as we went up the stairs, the
14 entire time. I know for a fact that the mic was
15 keyed and the announcement was made over the air.
16 Immediately called for 408s, multiple. I knew that
17 one was already en route for the, uh, the first
18 victim, and I ordered up two additional 408s. I
19 couldn't see the [REDACTED] victim anymore, [REDACTED] Troy
20 had got [REDACTED] down the stairs, got [REDACTED] out of the
21 building and, uh, like I said, [REDACTED] appeared
22 lifeless to me.

23 The, uh, the suspect was breathing, not a lot
24 of blood; [REDACTED] was on the ground. The knife, [REDACTED] had

1 had two knives. The knives were away from [REDACTED] body,
2 and I just called for the ambulance. [REDACTED] wasn't
3 looking good, but [REDACTED] was breathing and, uh, a 408
4 showed up; not as fast as I would like.

5 I don't know what... Uh, the ERIW was, uh, used.
6 I wasn't aware of it at the time. I heard rapid
7 gunfire. If I was to guess, and I'm sure I'm not
8 supposed to, but I think I heard three rounds. Uh,
9 it was a series of shots. I had no knowledge of the
10 ERIW being used until Officer Ison said, "Yeah. It
11 did nothing. I shot and it did nothing," and then I
12 saw the wadding and the casing.

13 SERGEANT WARNKE: Okay. Thank you. When you
14 first got there, you said you saw Officer Wong
15 speaking with the victim?

16 SERGEANT GRAY: Right. I didn't really see
17 the victim. He had taken the victim away from the
18 front door area; I saw him speaking with [REDACTED].

19 SERGEANT WARNKE: And you were informed that
20 the suspect was inside?

21 SERGEANT GRAY: Correct.

22 SERGEANT WARNKE: And what, what, did they
23 tell you there could be other people inside,
24 besides the suspect?

1 SERGEANT GRAY: I don't recall that.

2 SERGEANT WARNKE: All right. Did you see,

3 notice anything about the scene when you arrived?

4 SERGEANT GRAY: There was a great deal of

5 blood at the, uh, the front door. Uh, there was a

6 trail of blood on the sidewalk. Uh, looking inside,

7 there was blood; there was plenty of blood. There

8 was blood on the walls, on the bannister.

9 SERGEANT WARNKE: So, the blood you saw

10 outside. Did you see that as you, or after you

11 arrived, before you went in?

12 SERGEANT GRAY: Correct.

13 SERGEANT WARNKE: Okay. Did you see Officer

14 Heppler fire his weapon or did you...?

15 SERGEANT GRAY: I was there. I was as close

16 as you and me, and no, I did not.

17 SERGEANT WARNKE: And where were you looking?

18 SERGEANT GRAY: I was on the stairway, top

19 landing, but not on the floor, and I was facing the

20 bedroom directly across. There's a bedroom—it's

21 not, it's a living room to the right. Top of the

22 stairs, there's, there's a bedroom, and my focus

23 was mostly that bedroom and the officers searching

24 there, because I had known the room to the right

1 had been cleared.

2 SERGEANT WARNKE: Was your weapon drawn?

3 SERGEANT GRAY: No.

4 SERGEANT WARNKE: Okay. Did you know, any
5 officers in the room you were looking at, straight
6 across, was a bedroom?

7 SERGEANT GRAY: Uh?

8 SERGEANT WARNKE: The room you were looking
9 towards.

10 SERGEANT GRAY: Yes?

11 SERGEANT WARNKE: Were there any officers in
12 that room?

13 SERGEANT GRAY: I know Officer Ison was
14 there. I believe that Officer Hernandez was there.

15 SERGEANT WARNKE: Do you recall when the,
16 when the shots rang out, who...did you have a visual
17 on any other officers?

18 SERGEANT GRAY: The suspect came by me and
19 went to the ground. I could see Officer Ison at the
20 doorway. I knew Officer Hernandez was in the room,
21 but I can't say I saw him in the room.

22 SERGEANT WARNKE: Okay.

23 SERGEANT GRAY: I saw Officer Ison directly
24 across from me.

1 SERGEANT WARNKE: Okay. Did the suspect say
2 anything to you?

3 SERGEANT GRAY: No.

4 SERGEANT WARNKE: And did you see what was in
5 [REDACTED] hands?

6 SERGEANT GRAY: I did not. At the time, no.
7 I saw the knife when [REDACTED] hit the ground, but I did
8 not, I really did not see [REDACTED] go by me. It was more
9 like a blur, a blur going by, and the discharge.

10 SERGEANT WARNKE: How close do you think [REDACTED]
11 was to Officer Heppler?

12 SERGEANT GRAY: Four feet. Four feet and
13 closing.

14 SERGEANT WARNKE: And what about Officer
15 Ison?

16 SERGEANT GRAY: Probably closer even yet.

17 SERGEANT WARNKE: So, your reason for entry
18 was you were told [REDACTED] had stabbed [REDACTED],
19 and the suspect was still inside.

20 SERGEANT GRAY: Right. It's an armed
21 suspect on an assault with a deadly weapon and the
22 possibility that there's more victims inside. We
23 didn't know what was going on there. We heard it
24 was [REDACTED], so [REDACTED], yet we were

1 concerned about other people injured and an armed
2 suspect.

3 SERGEANT WARNKE: And you, you remember
4 hearing stop, stop?

5 SERGEANT GRAY: Right.

6 SERGEANT WARNKE: Do you remember any other
7 phrases?

8 SERGEANT GRAY: No, I don't.

9 SERGEANT WARNKE: Do you know...

10 SERGEANT GRAY: I mean there was other
11 yelling, but I remember stop, stop.

12 SERGEANT WARNKE: Uh-huh. Did you yell out
13 any commands?

14 SERGEANT GRAY: No.

15 SERGEANT WARNKE: Okay. Do you know who was
16 yelling stop, stop?

17 SERGEANT GRAY: No.

18 SERGEANT WARNKE: And after the suspect,
19 we'll call [REDACTED] the suspect, fell, [REDACTED] didn't say
20 anything?

21 SERGEANT GRAY: No.

22 SERGEANT WARNKE: But [REDACTED] was breathing?

23 SERGEANT GRAY: [REDACTED] was breathing, obviously
24 breathing, to the point—breathing and moving

1 around. Like, you know, keep an eye on those damn
2 knives. [REDACTED] was still, [REDACTED] was still moving
3 about.

4 SERGEANT WARNKE: What happened to the
5 knives?

6 SERGEANT GRAY: Uh, the knives were left
7 at the scene, I believe. The Crime Lab
8 [unintelligible]. When I left, the knives were
9 still on the, uh, on the floor.

10 SERGEANT WARNKE: Okay. Was this, this is a
11 photograph, there's an evidence marker, [they're]
12 at the six.

13 SERGEANT GRAY: Yes.

14 SERGEANT WARNKE: Those are the knives?

15 SERGEANT GRAY: Correct.

16 SERGEANT WARNKE: Okay. And then you
17 supervised the scene?

18 SERGEANT GRAY: Yes.

19 SERGEANT WARNKE: All right. Sergeant
20 Braconi?

21 SERGEANT BRACONI: Hey, Sergeant. Uh, so when
22 you saw the blood in the, uh, entryway of the
23 house, did you know whose blood that was?

24 SERGEANT GRAY: I did not know. I thought

1 it was the victim's blood, but no, it was a bloody
2 scene.

3 SERGEANT BRACONI: Okay. So, you didn't know
4 if it was the victim you had outside or if there's
5 more victims inside at that point?

6 SERGEANT GRAY: Exactly, it was a bloody
7 scene, but yeah.

8 SERGEANT BRACONI: But it could have been
9 people inside.

10 SERGEANT GRAY: Absolutely.

11 SERGEANT BRACONI: Bleeding.

12 SERGEANT GRAY: Absolutely.

13 SERGEANT BRACONI: Or it could have been, it
14 was definitely somebody outside bleeding. Okay. So,
15 you didn't know whose blood that was at the time.
16 Uh, one thing I wanted to clarify, because I was a
17 little confused, when Carrasco got to the victim,
18 the [REDACTED] victim.

19 SERGEANT GRAY: Yes.

20 SERGEANT BRACONI: First of all, do you know
21 how [REDACTED] was positioned? Was [REDACTED] face up or face
22 down, do you recall?

23 SERGEANT GRAY: [REDACTED] was, uh, [REDACTED] was face
24 down, uh, feet pointing west.

1 SERGEANT BRACONI: Okay. And, uh, Carrasco
2 started to pull [REDACTED] to safety?
3 SERGEANT GRAY: Correct.
4 SERGEANT BRACONI: Okay. And that was prior to
5 the, you ever seeing this blur of a suspect coming
6 by?
7 SERGEANT GRAY: Uh, yes, quite a bit.
8 Things happened very fast, but yes, uh, [REDACTED] was
9 clearly out of the hallway and halfway down the
10 stairs, maybe more than halfway, but I knew halfway
11 down the stairs before, uh, the suspect came out or
12 the discharge.
13 SERGEANT BRACONI: So, no one had to step over
14 [REDACTED] to get...like in other words, the suspect didn't,
15 when [REDACTED], when [REDACTED] came towards...
16 SERGEANT GRAY: No, it was a clear, it was
17 a clear path.
18 SERGEANT BRACONI: There was no, there was
19 nobody to step over or anything?
20 SERGEANT GRAY: Absolutely a clear path.
21 SERGEANT BRACONI: Okay. Thank you. Uh, did
22 you observe, uh, Officer Ison pointing the ERIW in
23 any particular direction or, or do you remember?
24 SERGEANT GRAY: No.

1 SERGEANT BRACONI: Okay. Do you know where
2 Officer Filamor was during this, uh, incident,
3 inside the residence?

4 SERGEANT GRAY: He was doing, he was
5 clearing the, uh, front room, the far west of the
6 flat.

7 SERGEANT BRACONI: Okay. And then, after the
8 suspect, the incident with the suspect and Officer
9 Heppler, and whoever, whatever gunfire you heard
10 erupt, the suspect goes down.

11 SERGEANT GRAY: Right.

12 SERGEANT BRACONI: And then, what happened
13 then, at that point. Was it, uh, who went to clear
14 the rest of the house?

15 SERGEANT GRAY: I stepped up to the
16 suspect's area, made sure that the ambulances were,
17 uh, continuing, and we continued to clear the house
18 for more victims, additional suspects. It was still
19 a, uh, still a hot scene. I couldn't, uh, I mean, I
20 wanted a 408 there, but they're not going to come
21 up the stairs until the place is cleared. Uh,
22 Officer Ison and Ferretti continued down, checked
23 the bathroom on the left, saw a motion or heard
24 something in one of the bedrooms. Saw a [REDACTED]

1 called out for [REDACTED], "Come out. Police. Police, come
2 out, come out," and [REDACTED] was not responding well, at
3 all, not communicating. Came out of the room, round
4 the corner, went into another bedroom; they went to
5 get [REDACTED] Again, suspect/victim, who the heck is
6 this, calling. [REDACTED] not responding. They forced
7 the door, [REDACTED] wasn't damaged, [REDACTED] wasn't the
8 suspect. [REDACTED] was not cooperating, they cuffed [REDACTED]
9 and got [REDACTED] out of the scene.

10 SERGEANT BRACONI: And was that prior to the
11 ambulance, uh, responding? Was that while the
12 suspect was still down or was that [inaudible]?

13 SERGEANT GRAY: The suspect was still down.

14 SERGEANT BRACONI: Okay. So, the ambulance
15 hadn't been into the house yet?

16 SERGEANT GRAY: I don't believe so, no.

17 SERGEANT BRACONI: Okay.

18 SERGEANT GRAY: I mean we, it was still not
19 secure and yeah.

20 SERGEANT BRACONI: Okay. That's all I have.

21 SERGEANT WARNKE: Can I go back to the, uh,
22 you were in uniform, Officer Ison?

23 SERGEANT GRAY: Uniform.

24 SERGEANT WARNKE: Officer Carrasco?

1 SERGEANT GRAY: Plainclothes.
2 SERGEANT WARNKE: Do you remember what he was
3 wearing?
4 SERGEANT GRAY: No.
5 SERGEANT WARNKE: Okay. Do you know if his
6 Star was visible?
7 SERGEANT GRAY: Yes.
8 SERGEANT WARNKE: Where was his Star at?
9 SERGEANT GRAY: Hanging off his neck in
10 front.
11 SERGEANT WARNKE: And Officer Heppler, do you
12 remember what he was wearing?
13 SERGEANT GRAY: I should; no, I don't.
14 SERGEANT WARNKE: Was he in uniform or?
15 SERGEANT GRAY: No, he's plainclothes.
16 SERGEANT WARNKE: Plainclothes. Was his Star
17 out? Was his Star visible?
18 SERGEANT GRAY: I couldn't say on that one.
19 SERGEANT WARNKE: Okay. Officer Filamor?
20 SERGEANT GRAY: Uniform.
21 SERGEANT WARNKE: Uniform. Officer Wong?
22 SERGEANT GRAY: Uniform.
23 SERGEANT WARNKE: Was anybody else in
24 plainclothes? I guess that's my...

1 SERGEANT GRAY: No.

2 SERGEANT WARNKE: Okay. Just Carrasco and
3 Heppler were plainclothes?

4 SERGEANT GRAY: Correct.

5 SERGEANT WARNKE: Okay.

6 SERGEANT GRAY: And I don't remember
7 Officer Wong ever coming upstairs.

8 SERGEANT WARNKE: Okay.

9 DAI POSADA: No questions.

10 SERGEANT WARNKE: [DA] Sullivan?

11 ADA SULLIVAN: At the, uh, the time that you
12 heard the gunfire, uh, where were you standing?

13 SERGEANT GRAY: I was standing at the top
14 landing of the stairway. It's not, there's probably
15 two more short, little steps. It's right where the
16 stairway makes a turn; I was at the top there.

17 ADA SULLIVAN: And did you have a view of the
18 subject at that time?

19 SERGEANT GRAY: I took a view of the victim
20 down. Officer Carrasco went to, uh, move [REDACTED],
21 dragged [REDACTED] out. Because I was in the stairway, I
22 had to get small, up against the wall, so he could
23 get the body back, so I did not have the visual.
24 Like I said, all I saw was a blur go by toward

1 Heppler and then the shots.

2 ADA SULLIVAN: So, uh, after the shots, did
3 you make visual observation of the subject at that
4 time?

5 SERGEANT GRAY: Yes.

6 ADA SULLIVAN: And, uh, where, where was the
7 knife at the time, when you first looked at the
8 suspect?

9 SERGEANT GRAY: It was maybe 18 inches to
10 2 feet in front of [REDACTED] body.

11 ADA SULLIVAN: Okay. And do you recall
12 whether you saw one knife or more than one knife?

13 SERGEANT GRAY: No, I saw two knives. The
14 ones that, the picture I saw, those are the two
15 knives.

16 ADA SULLIVAN: And were they, uh, did it
17 appear, at any point did you have any reason to
18 believe that the subject was holding both knives in
19 one hand or whether [REDACTED] was holding one knife in
20 each hand?

21 SERGEANT GRAY: No, no knowledge of that,
22 no.

23 ADA SULLIVAN: Thank you.

24 SERGEANT WARNKE: Sergeant Gray, I want to

1 show you a photo of the hallway Sergeant Waaland is
2 in, and there's also a picture of Venice. It's the
3 hallway looking east.


4 SERGEANT GRAY: Right.

5 SERGEANT WARNKE: Can you tell us where you
6 were, in regards to that?

7 SERGEANT GRAY: Right there.

8 SERGEANT WARNKE: And you're pointing to
9 where Sergeant Waaland is standing.

10 SERGEANT GRAY: In the far left-hand side.

11 SERGEANT WARNKE: Are you facing the same
12 direction? Were you facing the same direction 
13 is?

14 SERGEANT GRAY: Yes.

15 SERGEANT WARNKE: Okay.

16 ATTORNEY SHEA: Can you just tell us, in
17 that photograph, where, uh, Heppler was? Can you
18 describe where he was by looking at that picture?

19 SERGEANT GRAY: By looking at the picture?

20 ATTORNEY SHEA: Yeah.

21 SERGEANT GRAY: He, it wouldn't be in
22 sight, but he would be on this three feet-he
23 backpedaled. He was here, he, he went back. So,
24 from here to five feet.

1 ATTORNEY SHEA: Okay. So, approximately, if
2 you had to, uh, estimate from the evidence marker
3 number two, how far back from that one do you think
4 he was?

5 SERGEANT GRAY: From there...

6 ATTORNEY SHEA: Can you tell, did you, did
7 you...

8 SERGEANT GRAY: Five, uh, no, it's more
9 than five. It's going to be more like seven. From
10 that marker, maybe eight feet back.

11 ATTORNEY SHEA: Okay. And where was he? Did
12 you see him when he started retreating? Where he
13 was when he started retreating?

14 SERGEANT GRAY: Yeah, he was in my field of
15 vision.

16 ATTORNEY SHEA: Okay.

17 SERGEANT GRAY: He was, uh, probably where
18 this picture began.

19 ATTORNEY SHEA: Okay.

20 SERGEANT GRAY: And, and backpedaled.

21 ATTORNEY SHEA: So, near the edge, near
22 this bannister post, or further west of that?

23 SERGEANT GRAY: Maybe. Maybe, yeah, maybe
24 even further. Maybe, like I said, maybe a foot back

1 from the post.

2 ATTORNEY SHEA: Okay.

3 SERGEANT WARNKE: And just so, I want
4 everyone to hear and confer on this, we're talking
5 back and back would be actually to the west.

6 SERGEANT GRAY: To the west, correct.

7 SERGEANT WARNKE: Okay. All right.

8 DAI POSADA: If...

9 SERGEANT WARNKE: Go ahead.

10 DAI POSADA: Looking at the same photo, can
11 you tell about where, uh, where Ison, Officer Ison
12 was?

13 SERGEANT GRAY: He was in this doorway
14 right there.

15 DAI POSADA: Okay.

16 ATTORNEY SHEA: And you're talking about
17 the doorway that you see the hinges on?

18 SERGEANT GRAY: Correct.

19 ATTORNEY SHEA: On the right-hand side of
20 the photograph?

21 SERGEANT GRAY: Correct.

22 ATTORNEY SHEA: Yeah.

23 SERGEANT WARNKE: You good?

24 ATTORNEY SHEA: I'm good.

1 SERGEANT WARNKE: Anymore questions? All
2 right. It's, uh, approximately 1600 and we'll
3 conclude this interview.

4 ATTORNEY SHEA: Thanks, Sarge.

5 SERGEANT GRAY: Sorry I can't give...

6 SERGEANT WARNKE: Thank you.

7 **END OF DOCUMENT**



EDWIN M. LEE
MAYOR

**POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO**

THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603



GREGORY P. SUHR
CHIEF OF POLICE

October 11, 2011

Thomas Mazzucco, President
San Francisco Police Commission
City and County of San Francisco
850 Bryant Street, Room 505
San Francisco, CA 94103

Re: Decision to return Officer William Heppler #1726 to his regular assignment following their involvement in Officer- Involved Shooting #11-006.

Dear President Mazzucco:

On October 11, 2011, in accordance with Department General Order 8.11, Assistant Chief Denise Schmitt convened a Return to Duty panel to consider whether Officer William Heppler #1726 should return to his regular assignments following their involvement in an officer-involved shooting on October 03, 2011.

This panel consisted of the following members:

- Deputy Chief Denise Schmitt, Office of Administrative Services (Chair)
- Deputy Chief Kevin Cashman, Office of Operations
- Commander Mikail Ali- Operations Bureau- Golden gate Division
- Commander Michael Biel- Operations Bureau- Investigations Bureau
- Commander Lyn Tomioka – Chief of Staff Office
- Captain Keith Sanford- Commanding officer Richmond Station
- Lieutenant Robert Yick- Internal Affairs Division
- Lieutenant Hector Sainez- Homicide Division
- Inspector Scott Warnke- Homicide Division
- Sergeant Mary Dunnigan, Behavioral Science Unit
- Sergeant Michael Nevin, Internal Affairs Division/OIS Investigator
- Sergeant Kirk Tomioka, Internal Affairs Division/OIS Investigator

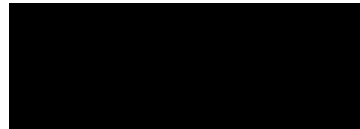
The panel considered all of the investigative information summarized by Lt. Sainez of the Homicide Detail. Sergeant Dunnigan confirmed that the involved member participated in the mandatory debriefing, as required by Department policy. As with all officer-involved shootings, the Internal Affairs Division recommended that the officers participate in a Post Discharge Firearm Debrief at the Range and in Force Options/ and Defensive Tactics training at the Academy.

After hearing the presentations and ensuing discussion, the panel recommended the return of Officer William Heppler #1726 to his regular assignment upon completion of the above-recommended training.

Based upon the facts and circumstances known at this time, and after consulting with the appropriate Department personnel as described in Department General Order 8.11, I find that Officer William Heppler #1726 should be returned to his regular assignment.

In accordance with Department General Order 8.11, I look forward to discussing my finding and decision with you at the next regularly scheduled Police Commission meeting.

Sincerely,



Gregory P. Smith
Chief of Police

Cc: Ms. Joyce Hicks (OCC)



EDWIN M. LEE
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603



GREGORY P. SUHR
CHIEF OF POLICE

January 16, 2014

Honorable Police Commission
City and County of San Francisco
850 Bryant Street, Room 505
San Francisco, CA 94103

Re: Fourth Quarter 2013 FDRB Findings and Recommendations

Dear Commissioners:

On Tuesday, January 14, 2014, at approximately 1030 hours, pursuant to and in compliance with Department General Order 3.10.I, Subsection D, the Firearm Discharge Review Board convened to review completed Officer Involved Discharge (O.I.D.) and Officer Involved Shooting (O.I.S.) investigations for the Fourth Quarter 2013.

The Firearm Discharge Review Board reviewed completed [REDACTED] 11-006. A summary of these incidents is attached. The FDRB was comprised as follows:

Voting Board Members

Assignments

Deputy Chief David Shinn (Chair).....	Administration Bureau
Deputy Chief John Loftus.....	Operations Bureau
Deputy Chief Charlie Orkes.....	Special Operations Bureau
Deputy Chief Denise Schmitt.....	Airport Bureau

Advisory Board Members

Assignments

Commissioner Julius Turman.....	Police Commission
Attorney Samara Marion.....	Office of Citizen Complaints
Captain Christopher Pedrini.....	Risk Management Office
Captain David Lazar.....	Police Academy
Sergeant Wally Gin.....	SFPD Range

Also present were Lieutenant Robert Yick, Sergeant John Crudo, Sergeant Eric Altorfer, and Sergeant Jayme Campbell, all of the Internal Affairs Division. Lieutenant Timothy Paine, previously assigned to the Internal Affairs Division and Lieutenant Chris Woon of the Legal Division.

[REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Lieutenant Paine presented **OIS 11-006**. After considering the facts, conclusions, and recommendations in this case, the FDRB unanimously voted to concur with the finding **"In Policy"** for this incident

The findings of the 4th Quarter Firearm Discharge Review Board were forwarded to my office. I concur with the findings and recommendations of the FDRB in [REDACTED] and 11-006.

Sincerely,

[REDACTED]
Gregory P. Suhr
Chief of Police

Attachment: OIS/OID Summaries – 4th Quarter

Firearm Discharge Review Board 4th Quarter 2013

Tuesday, January 14, 2014

OIS/OLD Summaries

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

OIS 11-006: On November 03, 2011 at approximately 7:24 AM, numerous Richmond Station officers responded to a stabbing incident on the 600 block of Funston Street. Officers located a stabbing victim in front of a residence. Officers entered the residence and located a mortally injured second victim. As officers attempted to evacuate this victim, the suspect appeared, holding a knife in each hand. One officer discharged an ERIW beanbag round and another officer fired his service weapon. The suspect was mortally wounded.



EDWIN M. LEE
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603



GREGORY P. SUHR
CHIEF OF POLICE

January 29, 2014

Honorable Police Commission
City and County of San Francisco
850 Bryant Street, Room 505
San Francisco, CA 94103

RE: Officer Involved Shooting (OIS) 11-006

Dear Commissioners:

This letter is a report summarizing the investigative findings for Officer Involved Shooting OIS 11-006. This summary report is directed to the Police Commission pursuant to Department General Order 8.11, subsection II.I.1 (as revised 9/21/05).

A thorough review of the incident—which included a criminal investigation by members of the San Francisco Police Department Homicide Detail; a criminal investigation and charging determination by the Office of the District Attorney; and an administrative investigation by the San Francisco Police Department Internal Affairs Division—has been completed, and the relevant investigative conclusions are summarized herein.

1. Incident Summary

On Monday, October 3, 2011, at approximately 0716 hours, numerous officers assigned to the Richmond District responded to [REDACTED] Funston Avenue regarding an A-priority call of a person attacked with a knife. Officer #2, who was the first officer on scene, observed Victim #1 standing on the sidewalk, bleeding heavily from [REDACTED] hands. Victim #1 reported that [REDACTED] had attacked [REDACTED] with a knife inside the residence. Victim #1 said that when [REDACTED] assaulted [REDACTED] inside the residence, [REDACTED] struggled with the suspect and took away a knife. Victim #1 directed Officer #2 to the weapon, a bloody knife located in a planter in front of the residence. Victim #1 told Officer #2 that Suspect #1 had other bladed weapons; that [REDACTED] that [REDACTED] feared the suspect; and that suspect and other [REDACTED] were still inside.

While Officer #2 tended to Victim #1, the other arriving officers prepared to make an exigent entry into the premises. They formed a tactical stack of six officers. Uniformed officers (Officer #3 and #4) assumed the front two positions; plainclothes officers (Officers #1 and #5) assumed the two middle positions; and uniformed officers (Officer #6 and Sergeant #1) took the fifth and final positions. Officer #4—the second officer in the stack—carried a less lethal Extended Range Impact Weapon (ERIW).

The officers then entered the premises. The officers would later state that their attention was captured by the grisly scene that included a large pool of blood in the foyer and bloody handrails on the stairway. They began clearing the residence, moving to contact and isolate the suspect. As

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they did so, they repeatedly announced themselves and ordered Suspect #1 to come forward and surrender.

The officers worked into the residence toward the stairway. As the stack approached the interior stairway, Officers #3 and 4 turned to their right to clear the rooms in the front of the home. The other officers remained in the stack, holding their defensive position and covering the long axis in front of them. Officers #5 and #1 were now in the front two positions, respectively, of the stack.

From their position, looking up the stairway, Officers #5 and #1 could see Victim #2, Suspect #1's [REDACTED] was lying face down at the top of the stairs, unresponsive, in a pool of blood. The officers yelled for the suspect to come out and surrender. After repeated announcements, the officers saw a person moving—later identified as Suspect #1's [REDACTED] Victim #3—at the far end of hall atop the stairs. Victim #3 appeared to exit one room at the end of the hallway, cross the hall, and enter another room. Victim #3 ignored the yelling officers, and the officers initially believed that Victim #3 to be the suspect.

Victim #2 was audibly gurgling and struggling to breath. Officer #5 told the other officers that he was going to holster his weapon and attempt an emergency evacuation of Victim #2. He told the officers to cover him while he pulled the mortally injured victim to safety and evacuated [REDACTED]. Officer #5 moved forward, grabbed Victim #2's ankles, and began to pull [REDACTED] to the cleared position of the officers. Officer #1 was now at the front of the stack, covering the hallway at the top of the stairs.

Officers #3 and 4 had worked themselves back to the hallway area, approaching the stack. Suddenly another door in the hallway opened and Suspect #1 emerged, tightly clenching a knife in each of [REDACTED] hands. The officers began ordering the suspect to stop and drop [REDACTED] weapons, but Suspect #1 ignored them and advanced. Officers later described Suspect #1's "blank," "vacant" eyes as [REDACTED] advanced toward them.

Officer #1, at the front of the stack, tried to step back as he ordered the advancing suspect to "drop the knife." Officer #1 later stated that it did not appear that Suspect #1 "registered" his commands. When Suspect #1 advanced to within approximately 5 to 7 feet of the officers [REDACTED] raised [REDACTED] arms above [REDACTED] shoulders; [REDACTED] hands were clenched and the blades pointed downward, as [REDACTED] assumed an assaultive position. Fearful he was about to be attacked, Officer #5 let go of Victim #2 and began to draw his firearm. Officer #4 stepped out from his position and fired an ERIW round in the defense of Officers #5 and #1, and Victim #2.

Almost simultaneously, Officer #1 fired two rounds from his Department-issued firearm in self-defense and defense of the other officers and victims at the scene. Suspect #1 was hit twice and immediately collapsed.

Officers #4 and 6 secured Suspect #1 and seized the two knives. The two officers rendered emergency first aid to the suspect, while the remaining officers cleared the remainder of the house. Victim #3, who also [REDACTED] was located in a backroom and secured. ([REDACTED] would later explain that [REDACTED] was very fearful of the suspect and had moved to the second room for [REDACTED] safety.)

SFFD paramedics, who were already on scene treating Victim #1, began to render emergency treatment for Victim #2 and Suspect #1. Victim #2 had multiple stab wounds to [REDACTED] head, neck, and upper body. Suspect #1 had two gunshot wounds, as well as numerous slashing injuries (these cuts were later determined to be self-inflicted). Victim #2 and Suspect #1 were transported to San Francisco General Hospital; both were subsequently pronounced dead at SFGH.

A crime scene was established and notifications were made.

2. Criminal Investigation Summary

A criminal investigation was initiated upon notification of the incident. The investigation was conducted by investigators assigned to the San Francisco Police Department Homicide Detail, and it was jointly attended by investigators from the Office of the District Attorney of the City and County of San Francisco. Investigators from the San Francisco Police Department and Office of the District Attorney responded to the scene.

A crime scene was established inside of and in front of [REDACTED] Funston. It was a clear, temperate day with no notable wind conditions. CSI responded to this location, processed the scene, and collected identified evidence. Among the items collected and processed were a bloody knife from the planter box at the exterior of the residence, two knives from the interior hallway, the casing from a discharged ERIW beanbag round, and a single .40 shell casing. CSI also collected numerous business cards from the [REDACTED] listing various appointment dates.

Criminalistics Laboratory Findings

Officer #1's Department-issued .semi-automatic 40-caliber Sig Sauer P229 pistol was collected by Range staff and CSI. The pistol was found to have one cartridge chambered and the loaded magazine contained an additional ten rounds.

Officer #1's weapon was forwarded to the San Francisco Police Department Criminalistics Laboratory, where it was examined. Officer #1's firearm was subsequently found to be functional, and trigger pull was within manufacturer's specifications. The casing recovered at the scene and a bullet recovered by the Medical Examiner was examined by the Criminalistics Lab. Both were determined to have been fired by Officer #1's weapon.

Medical Examiner's Findings

An autopsy was performed on Suspect #1 by the Office of the Medical Examiner. Suspect #1's cause of death was determined to be the result of two gunshot wounds to the torso, five (5) stab wounds to the torso, and included multiple self-inflicted, incised wounds to his [REDACTED] hand and arm. A bullet was recovered by the Medical Examiner in the course of the autopsy. This bullet was subsequently forwarded to the SFPD Criminalistics Laboratory. As stated above, the report also includes notes on [REDACTED] listing a diagnosis of [REDACTED]

An autopsy was also performed by the Office of the Medical Examiner on Victim #2. ■■■ cause of death was determined to be the result of more than thirty stab wounds to ■■■ head, neck, upper torso, and upper extremities. ■■■ also suffered additional blunt force injuries and trauma.

Criminal Investigation Conclusions

Statements of the involved officers, victims, and witnesses, physical evidence, forensic evidence, and expert analysis were considered as part of the criminal investigation. Homicide investigators presented their findings in this case to the Office of the District Attorney for review in consideration of any charges in this matter.

The Office of the District Attorney for their review, who evaluated them in conjunction with their own investigative conclusions in consideration of any criminal charges to be filed in relation as a result of this incident.

In memorializing his decision that the officers had acted lawfully and charges would not be filed, District Attorney George Gascon wrote:

The facts in the present case indicate Officer [#1] fired his weapon at [Suspect #1] from a distance of about 5 to 7 feet as [Suspect #1] ignored Officer [#1]'s commands to "Drop the knife" and continued to move directly towards Officer [#1] with two knives held outward. Officer [#1] was aware at the time that Officer [#5] was approximately two feet to his left, trying to move [Victim #2] down the stairs. He also knew that [Victim #1] said [Suspect #1] attacked ■■■ with a knife, and he had reason to believe that [Suspect #1] was responsible for [Victim #2]'s grave injuries.

It was reasonable for Officer [#1] to fire at [Suspect #1] to protect himself, the other officers and [Victim #2]. It is our conclusion that Officer [#1] acted lawfully.

3. Witness Statements

In the course of their investigation, criminal investigators interviewed the officers, victims, and witnesses involved in this incident. Interviews were conducted by investigators from the Homicide Detail and the Office of the District Attorney. Criminal interviews were remotely observed by members of the Internal Affairs Division. The officers, with their attorneys present, voluntarily provided their interview statements to the criminal investigators. Officers #1 and #5 later provided compelled interviews, accompanied by their attorneys, in the course and scope of the Internal Affairs Division's administrative investigation.

The narrative of events provided by these parties was consistent, as well as in their respective criminal and administrative interviews. Their accounts were also consistent with and substantiated by forensic evidence developed in the course of this investigation. The accounts provided by these parties are incorporated in the summary above.

4. Policy and Procedure

This Officer Involved Shooting incident was administratively evaluated with respect to Department policy and procedure, with particular focus upon the following statutes and Department General Orders.

Penal Code Section 835a

Penal Code Section 835a—which is incorporated verbatim in DGO 5.01, *Use of Force* under subsection I.E.2—justifies an officer's reasonable use of force to effect a detention or arrest:

Any peace officer who has reasonable cause to believe that a person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Department General Order 5.01, *Use of Force*

Department General Order 5.01, *Use of Force* governs the circumstances in which officers are permitted to use force in the performance of their duties. Particular attention was focused on the following sections:

From *Section I. Policy*:

E. REASONABLE FORCE

1. Officers must frequently employ the use of force to effect arrests and ensure public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand-to-hand combat with all its risks before resorting to the use of force that will more quickly, humanely and safely bring an arrestee under physical control.

From *Section I. Policy*

F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE

1. Officers may use force in the performance of their duties in the following circumstances:
 - a. To prevent the commission of a public offense.
 - b. To prevent a person from injuring him/herself.

- c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
 - d. In self-defense or defense of another person.
2. Before using force the officer should consider these questions:
- a. What actions on the part of the suspect justify the use of force?
 - b. What crime is being or has been committed?
 - c. Does the situation require the immediate use of force?

Department General Order 5.02, *Use of Firearm*

Department General Order 5.01, *Use of Firearm* governs the circumstances in which officers are permitted to discharge a firearm in the performance of their duties. Particular attention was focused on the following sections:

From *Section I. Policy*:

C. DISCHARGE OF FIREARMS

1. **PERMISSIBLE CIRCUMSTANCES. Except as limited by Sections C.4 and C.5., an officer may discharge a firearm in any of the following circumstances:**
- a. In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.
 - b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an imminent danger of death or serious bodily injury to the officer or any other person.
 - c. To apprehend a person when both of the following circumstances exist:
 - (1) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND
 - (2) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.

From *Section I. Policy*:

C. DISCHARGE OF FIREARMS

1. **VERBAL WARNING.** If feasible, and if doing so would not increase the danger to the officer or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm.
2. **REASONABLE CARE.** To the extent practical, an officer shall take reasonable care when discharging his or her firearm so as not to jeopardize the safety of innocent members of the public.

Force Analysis

The findings of this investigation establish a preponderance of evidence that Officer #1 discharged his weapon lawfully and in accordance within the guidelines of Department General Orders 5.01 and 5.02.

Richmond Station officers were dispatched to an 'A' priority stabbing. Upon their arrival they located an [REDACTED] victim, bleeding profusely from the hands, who stated that [REDACTED] was stabbed by [REDACTED] who was still in the residence. Several officers and a sergeant initiated a tactical response to enter the residence to render aid to other possible victims. This included an officer armed with a less lethal force option.

At one point, Officers #3 and #4 moved to clear the front of the residence, while Officers #1 and #5 provided cover down the hallway towards the rear of the residence. Officers #1 and #5 then observed a gravely injured [REDACTED] [REDACTED]. At great risk to themselves, they attempted an emergency extraction of the victim.

In the midst of this attempt, the suspect emerged several feet from the officer. The suspect disregarded the officers' commands to stop and drop [REDACTED] weapons. [REDACTED] advanced on the officers, menacingly brandishing two knives. Officer #4 fired his ERIW in defense of the officers.

At approximately the same time, Officer #1 noted that the suspect had a glazed look in [REDACTED] eyes and ignored his orders. He retreated until—fearing an immediate attack on himself or his exposed partner—he fired two rounds at Suspect #1 from his Department-issued firearm. Suspect #1 collapsed immediately. Officer #1 fired his weapon in self-defense, defense of Officer #5, Victim #2, and the others present.

Based on the preponderance of evidence Officer #1 fired his weapon in accordance with the law and in compliance with permissible conditions set forth in Department General Order 5.01, *Use of Force*, Subsections I.F.1.c and I.F.1.d and in Department General Order 5.02, *Use of Firearms*, Subsections I.C.1.a, I.C.1.b, and I.C.1.c.

6. Firearm Discharge Review Board (FDRB) Summary and Findings

On January 14, 2014, the 4th Quarter 2013 Firearm Discharge Review Board (FDRB) convened to consider the investigative findings and recommendations in this case. Summaries of the criminal and administrative investigations were presented to the board.

Summary of Witness Testimony Before the FDRB

The criminal and administrative investigative findings in this case were presented by the Internal Affairs Division investigator. No witnesses provided testimony before the FDRB.

Summary of the FDRB Discussion

The criminal and administrative investigations were summarized, and evidence and witness testimony that was collected and analyzed in these investigations were presented.

Findings per Department General Order 3.10

After reviewing the known facts and investigative conclusions, the Firearm Discharge Review Board unanimously voted to accept the recommended administrative findings, as follows:

- **Officer #1's use of his firearm on October 3, 2011 be found *In Policy and Proper Conduct*.**

I concurred with the FDRB findings in this incident, and the case was closed.

7. Recommendations

No policy recommendations originating from this incident were put forth or implemented.

Sincerely,



Gregory P. Suhr
Chief of Police